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Annual Report of the Delaware Judiciary 1990

About the Cover:
The Kent County Court House, which is located in Dover, Delaware.

1990 Annual Report of the Delaware Judiciary

(July 1, 1989 – June 30, 1990)

Honorable Andrew D. Christie
Chief Justice of Delaware

Prepared by the

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Letter of Transmittal

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LOWELL L. GROUNDLAND
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I am pleased to present the 1990 Annual Report of the Delaware Judiciary. This document is the end product of the efforts of a number of individuals, ranging from those who were involved in its production to those who supplied the information which was needed for the many graphs, charts and tables which appear throughout the report. Congratulations are in order to all those who helped make the 1990 Annual Report of the Delaware Judiciary possible.

In his FY 1992 budget presentation to the State Budget Director on November 20, 1990, Chief Justice Andrew D. Christie provided some statistical data which dramatized the alarming number of criminal cases which have entered the court system during the past two years. Unfortunately, there is every indication that this trend will continue into the foreseeable future. If this happens, it would severely hamper the continuing effort to reduce delay in case processing.

The personnel of the Delaware Judiciary have done an outstanding job in dealing with the substantial increase in caseloads during these difficult times despite having to deal with only minimal increases in resources during that period. I join with Chief Justice Christie in expressing my gratitude to all of those who have made it possible for the Delaware Court System to continue to provide outstanding service to the citizens of our State despite these hardships.

Lowell L. Groundland
Director, Administrative Office of the Courts

Letter from the Chief Justice

Since becoming Chief Justice of Delaware five years ago, it has been my duty to preserve and strengthen the independence of the State Judiciary while demonstrating respect for the coequal executive and legislative branches of government. At present there exists a healthy spirit of mutual cooperation and understanding between the Judiciary, the Governor and the General Assembly.

The Delaware Court System is confronted with greater demands on its limited resources than ever before. This is due in large part to the combined impact of drug-related cases on our trial courts, increasingly more complex civil litigation and continued pressure from an expanding backlog of cases which requires prompt and expert judicial attention. Even as these pressures comes to bear on the Court System our State, like most others, is feeling the pinch of an economic slowdown which has already cut deeply into existing court programs and threatens even greater reductions in overall spending. This financial slowdown, along with the demands of rapidly increasing caseloads, are a pair of substantial barriers which confront the Delaware Court System for the future.

I have instituted a hiring freeze on all non-judicial personnel who are not deemed critical to court operations as an act of comity with the executive branch. This action, along with the increasing demands which have resulted from substantial caseload increases, has placed an even greater burden on personnel who are already laboring under very heavy workloads. I extend my sincere thanks and appreciation to all employees of the Delaware Judiciary for doing an excellent job during this past year despite these obstacles. Please know that each of you plays a vital role in contributing to the overall wellbeing of the Court System in its continuing effort to provide the high standards of public service which the citizens of our State deserve.

In conclusion, it is my belief that there is very little fat to be found anywhere in the Court System, especially during these times when the scourge of the rampant drug problems in our society ultimately is placed squarely at the portals of the courthouse. It is my hope that these considerations, along with the fine working relationship which has been developed between the Judiciary, the Governor and the General Assembly, will serve to ensure that the needs of our courts will not be overlooked nor will we suffer financial hardships which would serve to impair our ability to fulfill our constitutional and statutory functions.

Andrew D. Christie

Andrew D. Christie
Chief Justice

1990 State of the Judiciary Address

Presented by Chief Justice Andrew D. Christie at the meeting of the Delaware Joint Bench-Bar Conference in June, 1990.

Each year it is my duty as the administrative head of the court system to provide a report on the State of the Judiciary in Delaware. This year, as is always the case, there is both good news and bad news. The Delaware Judiciary continues to enjoy a proud tradition and reputation for public service and fair decisions, one which is an integral part of the history of our State. Today, we have more judges and more support personnel than ever before, and they are deciding far more cases than ever before. Nevertheless, they are laboring under the strain of an unprecedented increase in the number and complexity of both criminal and civil cases. In spite of this handicap, the judiciary maintains a steadfast commitment to provide the highest quality of justice to all litigants who appear in the courts of our State.

In Delaware, as elsewhere, the increase in violent crime and illegal drug activity is taking its toll on virtually every aspect of our society.

In Delaware, as elsewhere, the increase in violent crime and illegal drug activity is taking its toll on virtually every aspect of our society. In response thereto, law enforcement agencies have been provided with additional personnel and with many other resources involving modern technologies. As a result there has been a dramatic increase in the number of persons brought before the criminal courts. Until recently, the courts have been able to absorb this added caseload because most of the necessary resources have been provided through the appropriation process. I fear, however, that this situation is about to change because of the recent downturn in revenues coming into our State Treasury. In the face of these problems I continue to be impressed by the dedication and conscientiousness of the judges, administrators, and staff at all levels of our court system.

SUMMARY OF CASELOAD ACTIVITY

In recent months, the most notable increases in the caseloads have been in the Court of Common Pleas, the Municipal Court of Wilmington, and the Superior Court. However, a fair overview of statewide activities of the court system requires a brief review of all the courts.

The number of cases filed in the Supreme Court in the current fiscal year is similar to the record number of filings made during the previous year. The court has responded to this continuing high level of filings with a 34% increase in dispositions as compared to the previous year. This,in turn, has resulted in a substantial decrease in the number of cases pending decision in the Delaware Supreme Court.

The Court of Chancery reached record levels in both filings and dispositions two or three years ago and is still adjusting to its high level of activity. Fortunately that court may end up with a slight decrease in caseload for this fiscal year.

With criminal filings increasing by 41% in New Castle County Superior Court during the first ten months of the current fiscal year, it is certain that statewide criminal filings in Superior Court will increase sharply. Criminal dispositions have also increased dramatically as the court mounts major efforts to keep up with the ever-increasing caseload. A review of the civil caseload shows no appreciable change in filings during the current fiscal year. The number of civil cases pending decision has been growing steadily for the past ten years and was up by more than 8% for this year as more and more emphasis has been placed on the huge criminal calendar.

Family Court has been experiencing a slight increase in filings from the record number of filings it handled last year. Although the number of dispositions has risen by about 10% from the past fiscal year, the court remains swamped with its current caseload and long delays in scheduling are being experienced in that court.

The caseload in the Court of Common Pleas has been rising in both the criminal and civil sectors. This year there has been an increase of almost 20% in criminal filings. This substantial rise in criminal litigation is a continuation of a steady trend that became clear starting in 1987. Civil filings are also on the rise in the Court of Common Pleas with a rise of about 10% this year.

The rise in caseloads in the Municipal Court in Wilmington was also substantial. There has been a 36% increase in criminal filings and a 32% increase in traffic filings.

In the Justice of the Peace Courts, there was an increase of about 8% in criminal filings. Civil filings also rose by more than 3%. There are several vacant judge positions in that court, and the vacancies have contributed to the delays encountered there.

It is clear that the court system is in a growth situation which requires the careful attention of all concerned.

SPEEDY TRIAL

During the past five years, it became clear that the existing Speedy Trial Directive, which had been issued by former Chief Justice Daniel L. Herrmann, was in need of revision. The old directive, adopted more than sixteen years ago, required that felony cases be tried within 120 days from the date of arrest and misdemeanors be tried within 30 days from the time of arrest. These standards involved dramatic reductions from the earlier standards established in 1972 (180 days and 90 days respectively), but in 1974 they seemed attainable considering the caseloads of the courts at that time. The continued growth in criminal caseloads in recent years, brought on in part by the drug abuse crisis, has necessitated a complete reevaluation of the existing speedy trial standards and the need to consider new speedy trial standards. To meet this need a Speedy Trial Goal Committee was formed with judges appointed from the Superior Court, the Family Court, the Court of Common Pleas, and the Municipal Court. The Committee made a thorough study of one of the most unwelcome developments in Delaware criminal justice in recent years — the increase in the time it takes to complete the adjudication of most criminal cases.

The continued growth in criminal caseloads in recent years, brought on in part by the drug abuse crisis, has necessitated a complete reevaluation of the existing speedy trial standards. . .

The overall effects of recent caseload increases can be seen by using the Superior Court as an example. In the period from Fiscal Year 1984 to Fiscal Year 1989, the number of cases disposed of within 120 days of arrest during the fiscal year fell by more than 7% while at the same time 36.5% more cases were processed. The unfortunate fact is that the number of defendants whose cases were not disposed of within 120 days rose by more than 150% in the same period. This was an obvious indication that pending the further expansion of judicial resources, there was a need for more realistic speedy trial standards. I issued a new Speedy

Trial Directive on May 16th of this year, based in large part on the recommendations of the Speedy Trial Goal Committee. I am especially grateful to Judge Norman Barron, who served as Committee Chairman, and to Judges T. Henley Graves, Robert W. Wakefield, Merrill C. Trader, and Carl Goldstein for serving with him on that important committee.

I issued a new Speedy Trial Directive on May 16th of this year, based in large part on the recommendations of the Speedy Trial Goal Committee.

To illustrate the provisions of the new directive I will again focus on the Superior Court. In contrast with the prior standard (felony = 120 days from arrest to trial), the new standards provide that:

1. At least 90% of all criminal cases are to be adjudicated as to guilt or innocence or otherwise disposed of short of sentencing for those to be sentenced after a presentence investigation within 120 days from the date of arrest, 98% within 180 days, and 100% within one year, with certain exceptions. The significance of this standard can be seen most clearly when you realize that less than half of all defendants brought to Superior Court in Fiscal Year 1989 were able to obtain such adjudication within 120 days after their arrest.

2. In all cases in which a presentence report has been ordered, the sentencing is to take place within 60 days of the date of the guilty plea or the verdict. This is a sharp change from the current situation since the average time for a presentence investigation from date ordered to date sentenced in Fiscal Year 1989 was almost 98 days.

3. A firm continuance policy has been put in place by President Judge Stiftel in order to avoid unnecessary postponements of trials. That policy is incorporated by reference into the Speedy Trial Directive.

4. Commencing six months after the effective date of the Speedy Trial Administrative Directive, and thereafter on a monthly basis, the Superior Court Administrator is required to send a list of cases not in compliance with the speedy trial goals to me as Chief Justice. Cases so listed are then to be given priority on future criminal trial calendars, and cases where the defendant is incarcerated in pretrial detention are to be given priority over civil matters unless a judge of the Superior Court determines that specific circumstances dictate a departure from this general rule.

LONG RANGE COURTS PLANNING COMMITTEE

The agenda of the Long Range Courts Planning Committee to improve the court system is an ambitious one for 1990. Recently the Committee has considered many important items. I mention only a few:

1. Alderman's Courts

A comprehensive study of these courts is being made to determine how their operation and the quality of justice which they provide may be improved. It is hoped that I will receive a report on this matter this month.

2. House Bill No. 480

This bill provides for the first step in what may develop into the eventual consolidation or merger of the Municipal Court in Wilmington with the Court of Common Pleas. This may turn out to be a part of the long range plan to consolidate several State courts. It provides that the full-time judges of the Municipal Court would become members of the State judiciary for all purposes as of July 1, 1990.

3. Court of Common Pleas Jurisdiction

The Committee has been studying the proposal to raise the Court of Common Pleas civil jurisdiction from $15,000 to $50,000 or higher. I believe that this is an excellent idea.

4. Appointed Register in Chancery

The Committee hopes that Senate Bill No. 406 will pass as the first leg of a constitutional amendment which would make the Registers in Chancery appointed rather than elected officials.

5. Juror Fees

The Committee favors House Bill No. 483 which would increase the per diem payment to jurors from $15.00 to $25.00. Although there is widespread support for this very important bill, I fear that the State's financial problems may prevent its passage this year.

6. Six-Person Juries

The use of six-person juries in civil cases is an idea which has been discussed in previous years, and it is felt that it is a concept which is worthy of consideration.

PHYSICAL FACILITIES

A fine new Family Court building has been completed and is now occupied in Kent County. A new Chancery courtroom and chambers have been completed and are now in use in the Public Building in Wilmington. The long range Justice of the Peace Courts building project is progressing well. To date, five new court buildings have been completed, one is currently under construction, with another having been recommended for funding and construction next year. Thereafter, there will be four more buildings to build in order to complete the program.

The General Assembly recently passed a concurrent resolution which recognizes the need to expand, remodel, and improve the security of the Sussex County Courthouse. The resolution sets out the General Assembly's support for maintaining the courthouse in its present location along with its support for the construction of an addition which will adequately address the needs of the various courts located in the Georgetown courthouse. As Chief Justice, I greatly appreciate the General Assembly's recognition and support of this project.

For years Chief Justices have been reporting on the various projects to improve the Public Building in Wilmington. This year I am glad to report that a new and more comprehensive study has been completed which identifies, among other things, the near and long-term space needs of all the courts and criminal justice agencies located in Wilmington.

The automation of the courts will continue to be of the highest priority for the court system.

The first phase of the Wilmington Space Planning Study involved a comprehensive analysis of the personnel and space needs of all three branches of government which now occupy a combined total of 580,000 square feet in the Public Building, the Carvel State Office Building, and the Family Court Building. The second phase of the project involved the development of options for meeting these current and future space needs.

The consultants have projected that within the next few years there will be significant growth in the space needs of the tenants of each of the three buildings. The State is currently reviewing options that will adequately address these needs. I will continue to urge the Governor and the members of the General Assembly to act promptly on the recommendations so that these pressing space problems may be met in the near future.

It is my view that the State should be urged to act as soon as possible to avert the risk of injury by appropriating the funds necessary to protect the lives of all persons in the Public Building and in other court facilities.

BAR-BENCH-PRESS CONFERENCE OF DELAWARE

After many years of inactivity, a Bar-Bench-Media Conference has been reactivated. It presently consists of twelve judges, lawyers, and media representatives, but plans are underway to enlarge the membership to twenty persons. I regard this Conference as an important initiative which offers each of its various components an opportunity to come together and enter into constructive discussion regarding all matters of mutual interest or concern. I hope the Conference members and other participants will move forward in a spirit of cooperation and understanding and that they will recommend various measures which will improve the working relationship which should exist between the groups represented therein.

AUTOMATION OF COURT FUNCTIONS

In order for the courts to continue their longstanding tradition of prompt, fair, and carefully considered justice under the law, it is imperative that our State commit substantial additional resources to modern information and automation systems for our civil and criminal courts. Caseloads are increasing in both the number and complexity of issues. The Superior Court and the Family Court are struggling with antiquated case management tools and systems. If we are to manage effectively, it is essential that the State continue support of the DELJIS effort to install automated criminal court case management systems and to augment those resources available to the courts handling civil cases as well. In particular, the Family Court is in almost desperate need for substantial automation resources. The automation of the courts will continue to be of the highest priority for the court system. I will continue to urge that it be given very high priority in the allocation of State funds.

SECURITY

While there has been considerable progress in reviewing the courts' space needs, security needs, especially in the Public Building in Wilmington, have not received the attention which the situation demands.

At the present time, everyone in the Public Building, including judges, court personnel, litigants, and the general public are at risk because of the lack of modern security measures. My greatest concern is the lack of perimeter security which would serve as the first line of detection and defense

against those who would seek to carry weapons or explosive devices into that building. At present, such persons are free to enter the building through multiple points of access and are likely to go unchecked. I am sure that this situation should not be allowed to continue.

It is my view that the State should be urged to act as soon as possible to avert the risk of injury by appropriating the funds necessary to protect the lives of all persons in the Public Building and in other court facilities.

CONCLUSION

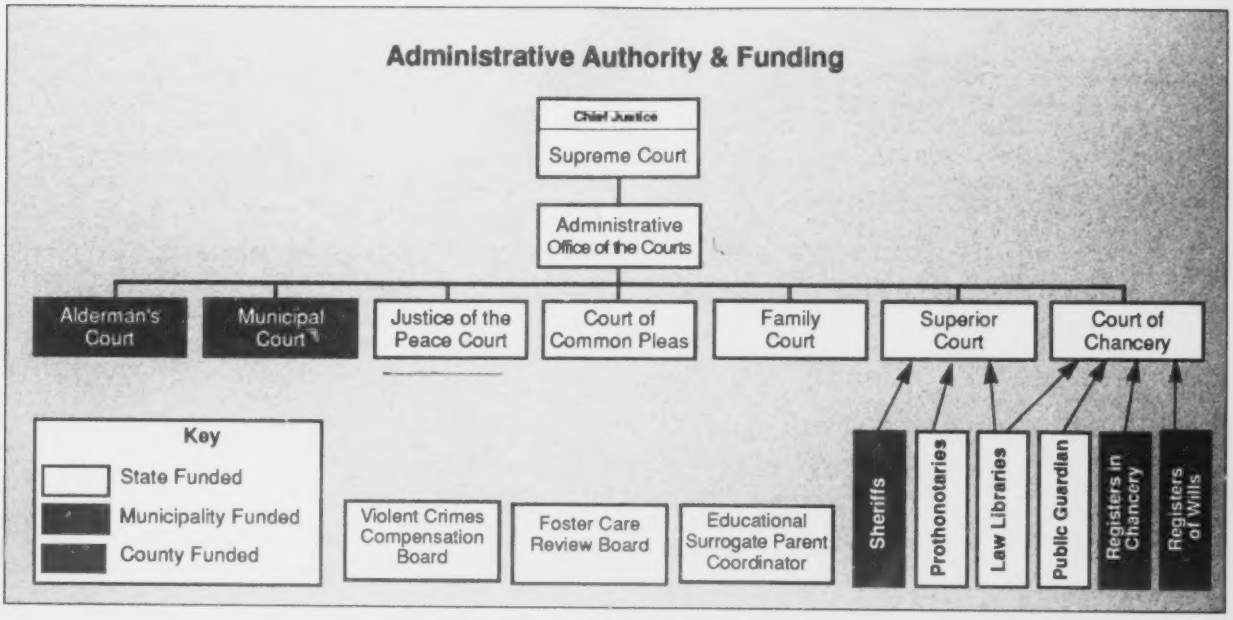
I recently wrote to the Chairman, the Vice-Chairman, and members of the Joint Finance Committee advising them that there is a mounting crisis in our court system as evidenced, in part, by the fact that the criminal caseload has risen by as much as 41% over last year's record caseload in Superior Court in New Castle County alone! Other courts are showing dramatic increases in their respective caseloads as well, and I fear that unless sufficient resources are forthcoming, the ability of our courts to carry out their constitutionally and statutorily mandated duties will be severely impaired. Clearly, the application of new or innovative techniques to speed the flow of cases through our courts is desirable. The citizens of our State are assured that the judiciary will continue to reevaluate how improvements can be made in the court system and that our judges will strive to provide them with the highest quality of justice. However, everyone must realize that the courts' capabilities are ultimately limited to the extent that the personnel, material, and technological resources which are needed are provided to them. Simply put, the judiciary needs both the people and the tools in order to deal efficiently, effectively, and fairly with the extraordinary number of cases which are flowing into the court system.

Simply put, the judiciary needs both the people and the tools in order to deal efficiently, effectively, and fairly with the extraordinary number of cases which are flowing into the court system.

I would much rather work on court cases than beg for increased funds for the court system, but the problems which confront the courts today dictate that I give special attention to both activities. The court system is strong and healthy, but it will not stay that way without the commitment of additional resources to modernize case processing and to increase the system's capacity to handle a record number of cases.

Introduction to the Delaware Court System

Introduction to the Delaware Court System



The Delaware Judiciary is composed of the Supreme Court, Court of Chancery, Superior Court, Court of Common Pleas, Family Court and Justice of the Peace Courts. While they are parts of the Delaware Judiciary, the Municipal Court is funded by the City of Wilmington while the Alderman's Courts are funded by their separate municipalities. The Administrative Office of the Courts, including the Judicial Information Center, provides those centralized services to the Delaware Judiciary which are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court. Other components of the Delaware Judiciary for funding purposes are the Public Guardian, the Foster Care Review Board, the Violent Crimes Compensation Board, the Law Libraries, and the Educational Surrogate Parent Program. However, these other components, except the Law Libraries, are similar to social service agencies rather than adjudicative bodies. While related to the courts, these agencies fall outside the normal scope of the courts' responsibilities. The Prothonotary's Office in each county functions as the Clerk of the Superior Court and is funded by the State. The Prothonotary for each county has been an elected position in past years but will be appointed by the Superior Court in the future once the terms of the individuals currently serving as Prothonotaries come to an end.

In terms of interrelationships among the courts, the Delaware Court System is similar to a pyramid. The Justice of the Peace Courts and the Alderman's Courts would be the base of the pyramid and the Supreme Court would be the apex of the pyramid. As a litigant goes upward through the Court System pyramid, the legal issues generally become more complex. Also, costs to the litigants increase, the potential for delay increases, and the costs to the Court System as well as to the State in terms of resources and time increase. Therefore, it is beneficial both in terms of resources and time for the litigants and the Court System to decide any case at issue as close to the entry level into the system as possible.

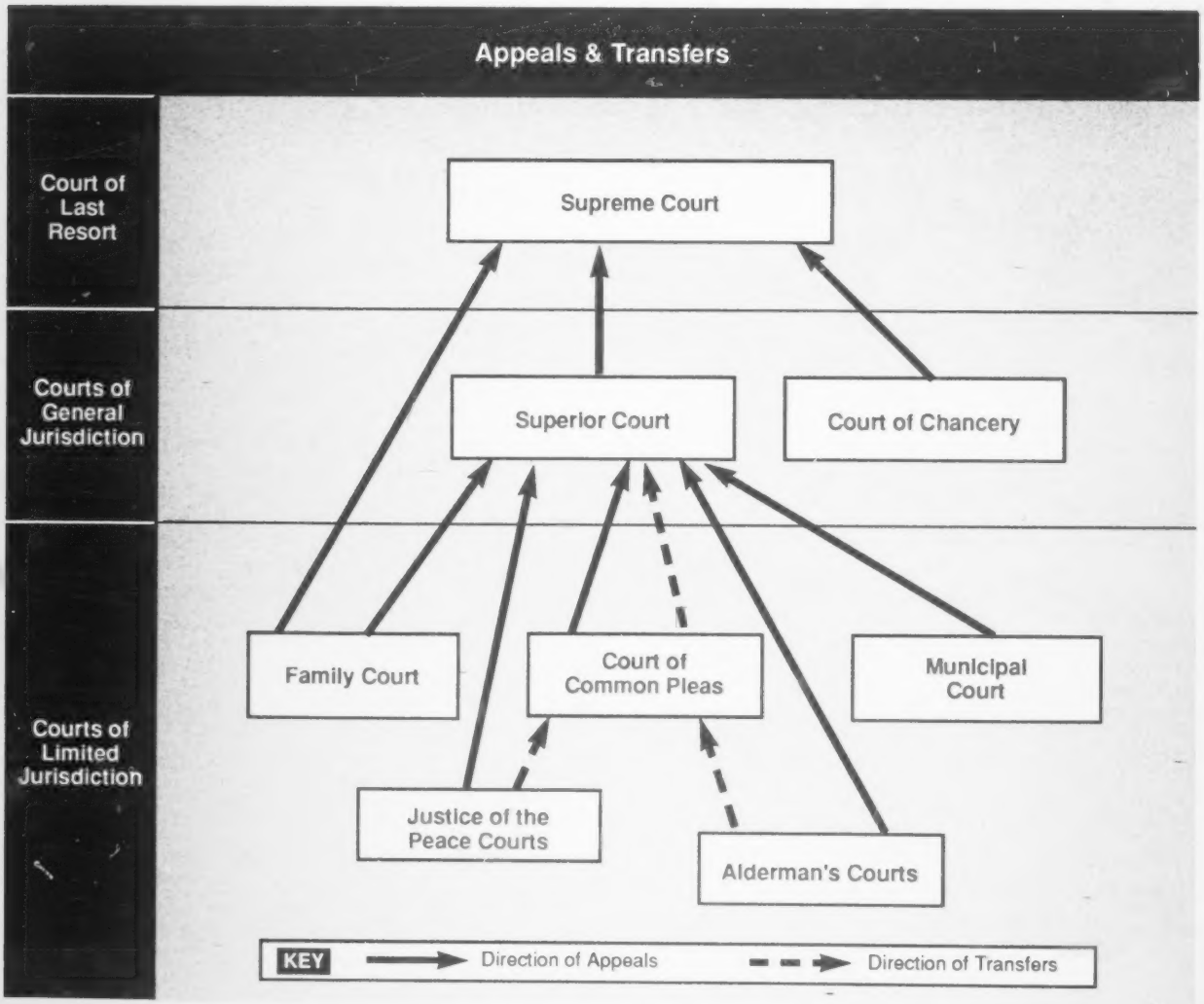
The Justice of the Peace Courts are the initial entry level into the Court System for most citizens. The Justice of the Peace Courts' jurisdiction for civil cases was increased from a limit of $2,500 to a maximum of $5,000 by Senate Bill 436, which was signed into law on July 23, 1990. In criminal cases, the Justice of the Peace Courts have jurisdiction over certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. In criminal cases with the possibility of incarceration or a fine of $15 or more or both, the accused may elect to transfer the case to the Court of Common Pleas. Appeals may be taken de novo to the Superior Court. Almost 60 percent (60%) of all cases are disposed of rapidly at the Justice of the Peace Courts level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount involved, exclusive of interest, does not exceed $15,000. Cases that are of lesser monetary significance can be handled promptly by the Court

of Common Pleas rather than being referred to the Superior Court where delays can be expected. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors occurring in the State except drug-related cases (other than possession of marijuana), and those cases occurring in Wilmington. It is also responsible for all preliminary hearings in all felony cases except those occurring in Wilmington. Appeals may be taken to the Superior Court.

The Family Court deals almost exclusively with cases concerning family and juvenile issues. The Family Court has almost comprehensive jurisdiction over such matters. All civil appeals from the Family Court go directly to the Supreme Court. Criminal cases are appealed to the Superior Court.

The Superior Court is the State's trial court of general jurisdiction. It also serves as an intermediate appellate court. The Superior Court has original jurisdiction over criminal and civil cases except equity cases. The Court's authority to award damages is not subject to a monetary maximum. In criminal cases, the Court has exclusive jurisdiction over felonies and almost all drug offenses. The Superior Court serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases) and more than 50 administrative agencies. Appeals from the Alderman's Courts, the Justice of the Peace Courts and the Municipal Court are heard as trials de novo (second trials) in the Superior Court. Appeals from the Superior Court may be taken on the record to the



Supreme Court. While the Justice of the Peace Courts and the Court of Common Pleas screen many cases out of the Court System, the Superior Court continues to experience an increase in the number of filings per year. Furthermore, as cases are brought to the Superior Court for decision, the issues for decision are generally more complex and require more time to decide. The majority of the serious criminal and significant civil (non-equity) cases filed in Delaware flow into the Superior Court. With a limited number of judges, the Court wages a constant battle to stay current on criminal cases, and as a result, civil cases often must wait for adjudication and the civil pending backlog continues to grow.

The Court of Chancery is an equity court rather than a court of law and has jurisdiction to hear all matters in equity. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law as to the corporation laws of Delaware. The litigation in the Court of Chancery deals largely with corporate matters, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court and the Family Court. As administrative head of the Courts, the Chief Justice in consultation with the other Justices sets administrative policy for the Court System.

Court Jurisdiction

Court of Last Resort

Supreme Court

- Final Appellate Jurisdiction for:
  - — criminal cases with sentences longer than certain minimums.
  - — civil case final judgement.
  - — certain orders of Superior, Family and Chancery Courts and Court designated boards.
- Issuer of certain writs.

Courts of General Jurisdiction

Court of Chancery

- Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, commercial/contractual matters).

Superior Court

- Original statewide jurisdiction over criminal and civil cases (except equity cases).
- Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors).
- Involuntary commitments to Delaware State Hospital.
- Intermediate appellate court.

Courts of Limited Jurisdiction

Family Court

- Jurisdiction over almost all offenses involving juveniles/families (except adults charged with felonies and juveniles charged with murder, kidnapping and unlawful sexual intercourse.

Court of Common Pleas

- Statewide jurisdiction in civil actions involving less than $15,000.
- All criminal misdemeanors (except drug related — other than marijuana possession and except those occurring in Wilmington).
- Responsible for all preliminary hearings.

Municipal Court

- For violations in the city of Wilmington:
  - — criminal misdemeanor and municipal ordinance, traffic.
  - — preliminary hearings for felonies and drug related offenses.
  - — violations division processes all moving and parking violations.

Justice of the Peace Courts

- All civil cases involving less than $5000.
- Certain misdemeanors and most motor vehicle cases (except felonies).
- May act as committing magistrate for all crimes.
- Landlord/tenant disputes.

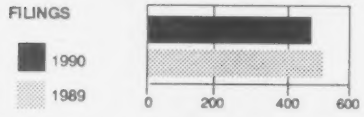
Alderman's Courts

- Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter as approved by State Legislature).

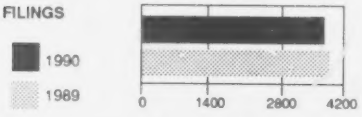
Court Caseload Summaries for Fiscal Year 1990

Court Caseload Summaries for Fiscal Year 1990

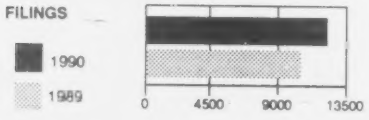
The **Supreme Court** had a decrease in the number of filings after having reached record levels in FY 1989 while dispositions rose to over 500 cases for the first time ever. The rise in dispositions along with the drop in filings led to a drop in pending.



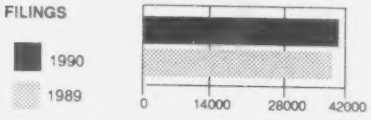
The **Court of Chancery** experienced a decrease in the number of civil filings during FY 1990. There was a drop in the number of dispositions as well, with the number of civil pending at the end of the year increasing. Total filings fell by 6.0% from FY 1989.



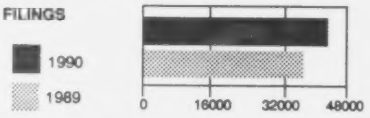
The **Superior Court** reached record levels in all criminal caseload measures during FY 1990. This includes filing, dispositions and pending. There was a record number of civil filings but the number of civil dispositions fell, with the result being a record number of civil pending at the end of the year. All of the measures for total caseload were at record levels for FY 1990 as well.



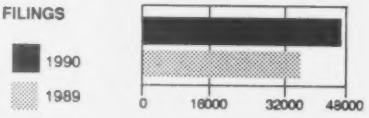
The **Family Court** had increases in both total filings and total dispositions, each reaching record levels. Filings rose by 2.9% in FY 1990, while dispositions increased by 18.1% in FY 1990. The large increase in dispositions led to a 16.1% fall in pending.



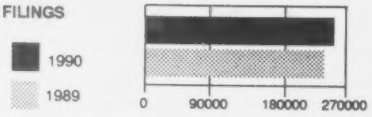
The **Court of Common Pleas** had substantial increases in criminal activity, all to new record levels. Criminal filings, dispositions and pending each rose by about 20%. There were also increases in civil activity as well, though not to new record levels in all cases. The increases in all caseload activity resulted in new record levels for total filings, dispositions and pending.



The **Municipal Court** had only moderate changes in filings and dispositions during FY 1989 when compared with the previous year, but that was not so in FY 1990. Filings and dispositions in all areas reached new record levels, with increases from 33% to 42%. The total filings increased by 36.8% while total dispositions rose by 34.5%.



The **Justice of the Peace Courts** had increases in all caseload measures, with new record levels of filings and dispositions for criminal, civil and total cases. Criminal filings and dispositions each rose by over 8% as did civil filings while civil dispositions increased by 1.3%. There were over 250,000 total filings and total dispositions in the Justice of the Peace Courts for the first time.



Fiscal Year 1990 Highlights and Major Developments

Fiscal Year 1990 Highlights and Major Developments

JUDGESHIPS

The Honorable Joshua W. Martin, III, resigned from the Superior Court bench at the end of 1989 to enter the private sector. He became an Associate Judge of the Superior Court on September 24, 1982. On June 9, 1983, he was appointed as the Resident Judge for Superior Court in New Castle County, a post which he retained until his resignation.

The Honorable Vincent J. Poppiti was appointed as the new Superior Court Resident Judge for New Castle County on January 18, 1990. Judge Poppiti served as Associate Judge of the Superior Court from June 9, 1983 until he assumed the New Castle County resident judgeship. Judge Poppiti had been on the Family Court bench from January 24, 1979 until June 9, 1983.

On January 18, 1990, the Honorable Charles H. Tolliver, IV, was appointed as Associate Judge of the Superior Court filling the judicial vacancy in New Castle County which occurred when Judge Poppiti was named Resident Judge.

The Honorable William C. Bradley, Jr., was appointed for a second term as a Judge of the Court of Common Pleas in New Castle County on January 18, 1990. His previous term of office had begun on September 29, 1976.

COURT FACILITIES AND SECURITY

A beautiful new contemporary Family Courthouse in Kent County which opened its doors on August 21, 1989, was dedicated on October 20 of the same year.

The Justice of the Peace Courts System continued the implementation of its statewide building program, now in its fourth year. In April, 1990 a new Justice of the Peace Court Nos. 3/17, located in Georgetown, was first opened to the public. Ground was broken in May of 1990 for new Justice of the Peace Court Nos. 4/19 in Seaford with a completion date scheduled for November, 1990.

The passage of House Concurrent Resolution 160 was a positive step in the effort to maintain the Sussex County Courthouse in its present location. The resolution requested that the Sussex County Courthouse be maintained at its present location and that there be an addition to the existing facility in order to accommodate the Court's ever-increasing caseload. Negotiations are well under way between the State and County regarding the expansion of the facility.

The Wilmington Space Planning Study, which dealt with the space and the facility needs of the judiciary in Wilmington, was completed in FY 1990. The findings of this study underscored what has been known for sometime by those who are employed by the judiciary in Wilmington — that the space allocations are wholly inadequate and that the problem will only continue to get worse with the passage of time until additional facilities are provided. In a presentation to the Long Range Courts Planning Committee, the architectural consultants contracted by the Department of Administrative Services described four options to solve the courts' space problems which they considered worthy of further evaluation.

At the present time, the Courts' Steering Committee and the consultants are leaning toward option three which involves the construction of a new courts center. This plan address the needs of the Superior Court, the Court of Common Pleas and the Family Court through the construction of a new consolidated court trial center. This alternative also anticipates reserving the Public Building as the future home of the Supreme Court and the Court of Chancery along with other high level governmental offices. The existing Family Court Building would be used to house Probation and Parole along with the Public Defender's Office, while the Carvel Building would continue to house the majority of the executive branch agencies located in the City of Wilmington.

The total lack of security within judicial facilities, particularly the Wilmington Public Building, is an extremely serious problem which was again highlighted in this planning study. Inadequate security combined with the risks associated with individuals charged with serious crimes who routinely appear before the courts creates an environment in which tragedies are very likely to occur if immediate action is not taken. The same conclusions were reached independently by a recent survey conducted by the U.S. Marshall's service which emphasized the immediate need for increased security at the Wilmington Public Building.

CONTINUING JUDICIAL EDUCATION

Continuing Judicial education is recognized as being a vital ingredient in maintaining a well-informed judiciary. Both on a national and local level, there has been a concerted effort to provide judges with educational opportunities on a regular basis. Attendance at seminars and other instructional forums enables our jurists to stay abreast of new developments in all aspects of the law and alternative procedures adopted by or under consideration in other jurisdictions.

The Continuing Judicial Education Program, administered by the Supreme Court with appropriations from the General Assembly, enables members of the Delaware Judiciary to expand their legal knowledge and hone their skills by attending in-state educational seminars conducted by recognized lecturers and participating in conferences sponsored by national professional organizations.

The educational segment of the Judicial Conference, held in Wilmington on December 6, 1989, focused on judicial writing with a presentation by Professor George Miller of the University of Delaware. The third Annual Continuing Judicial Education Seminar, sponsored by the Judicial Education Committee at the

University of Delaware's Virden Center in Lewes on September 13 - 15, 1989 included as topics: Judicial Leadership by Dr. R. Dale Lefever of the University of Michigan Medical School; Impact Decisions of The United States Supreme Court by Associate Justice Joseph R. Weisberger of the Supreme Court of Rhode Island; Trial Disruption and Contempt by Justice Charles S. Russell of the Supreme Court of Virginia; and Courts and the Communication Media featuring members of the local news media, and Bruce W. Sanford, Esq. of Washington, D.C., Vice Chancellor Jack B. Jacobs, Judge Henry duPont Ridgely, and Judge Battle R. Robinson.

The Justice of the Peace Courts, in cooperation with the Delaware Law School, sponsored a Landlord/Tenant seminar and co-sponsored with the Criminal Justice Council a Domestic Violence Conference.

Judicial education seminars are videotaped whenever practicable so that they may be subsequently utilized in the training of newly-appointed judges or magistrates.

CASE PROCESSING

Several steps were taken in the Superior Court to speed up the processing of cases. In Kent County, administrative orders were issued which set disposition standards and new review standards for the pre-indictment caseload of the Court were implemented which should result in more timely dispositions. The implementation of the Civil Fast Track program in New Castle County now makes this a statewide program which will help in dealing with civil cases.

In Superior Court, office reorganizations were made, the Prothonotary's Offices for both Kent and Sussex Counties were restructured, with additional supervisory classifications being added, and the Presentence Office took on the responsibility of providing criminal history information before the time of plea or verdict so as to increase the number of immediate sentencings. Additional measures resulted in the automated production of forms and documents, which should save the Court a great deal of time. The Court also transferred the Prothonotary's New Castle County based computerized accounting system to a state-operated mainframe.

Family Court made a number of modifications in the Delaware child support formula as of April 1, 1990 with the aim of ensuring that child support awards were, in fact, equitable in light of present economic conditions. In an effort to provide added diversionary programs for juvenile offenders both within the Family Court and within the community as a whole, a strategic plan for juvenile offenders including the Uniform Sentencing Research Project was launched. This project will provide meaningful data for use in the preparation of sentencing guidelines for juveniles in the future. In the ongoing effort to move forward in automation, the Family Court implemented a prototype computerized file tracking system in the Sussex County Family Court, and continued to acquire personal computers for use by Court personnel.

The Court of Common Pleas maintained its involvement in the Dual Data Entry II project, which will link the Criminal Justice Informational System (CJIS) and the Judicial Information Center (JIC). The project has been completed in Kent County and is in the testing stage in Sussex County.

Finally, the Justice of the Peace Courts continued to work with the Delaware Justice Information System (DELJIS) in the development of the warrant/capias project, the voluntary assessment project, and an automated criminal case management system. It is anticipated that these new systems will become operational in FY 1991.

1990 AUTOMATION IN THE COURTS

The Administrative Office of the Courts is responsible for planning and directing the development and maintenance of effective information systems for the Judiciary including the development of computerized case management information systems for our criminal and civil courts, and the application of useful office automation technology to expedite court caseflow functions. Highlights of the year are presented below.

Criminal Justice Information System (CJIS): In the interest of the entire Delaware criminal justice community, the Judiciary has worked with the DELJIS (Delaware Justice Information System) Board of Managers which has authority for the allocation of state financial resources for developing an integrated criminal justice information system. The purpose of CJIS is to incorporate and support the corporate information requirements of all state and local courts, as well as those of state and local police, prosecution and defense, and our state correctional agencies for adult and juvenile offenders. The major events in the criminal area were the following:

- The *"CCH/DRS Merge"* (Comprehensive Criminal History/Disposition Reporting System) project consolidated two major redundant databases containing active and inactive criminal histories, thereby simplifying and making more manageable the single most important information needed by the criminal justice community.
- A series of *"Dual Data Entry"* projects were initiated to establish a smooth flow of criminal case data to and from the two major mainframe systems that are supporting the CJIS community, the OIS (Office of Information Systems) mainframe in Dover and the JIC (Judicial Information Center) mainframe in Wilmington. These projects eliminate the need for

court staff and others to enter the same data into more than one computer system and enable the data entered in one system to automatically populate the data fields in the other system.

- The first phase of the *"Warrant/ Capias"* project scheduled for production in 1990 will provide automated production of immediate warrants and result in capturing warrant data for the criminal justice community. The data created and made available by this project eliminates much of the data entry work now required of the courts of initial appearance.

- The *"Voluntary Assessment"* project, scheduled for completion in 1990, will provide automation in the management of traffic tickets thereby reducing the labor required to track and account for the payment of tickets, as well as tracking and more effectively managing delinquent payments.

- The *"Old Dispositions"* project was funded to research and enter criminal dispositions that were missing from the database. Approximately 19,000 records have been recovered for the system. Finally, the DELJIS Board approved the start of automating criminal court case management, beginning with the Justice of the Peace Courts and the Municipal Court. A substantial portion of the analysis and design work is expected to be completed in the J.P. Courts in 1990.

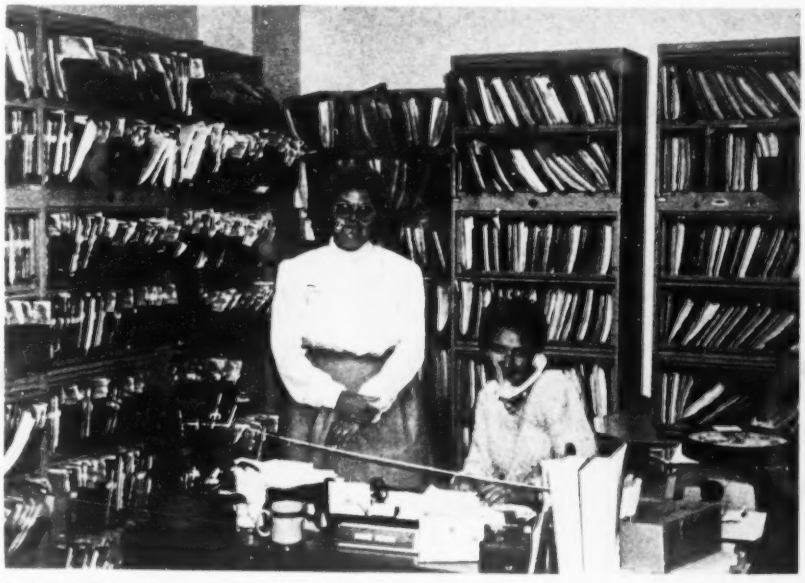
Civil Court Information Systems (CIVIS): The Judiciary and the State have been focusing their automation efforts and resources on the needs of the criminal justice system almost to the exclusion of civil justice. Recently, funding has been provided to examine the corporate information requirements of civil courts and to develop the requisite information architectures. In 1990, an organizational analysis was conducted in each civil court in each county to identify the operating structures and functions employed to process civil caseloads. To avoid redundancy of effort and cost, civil development work plans were coordinated with those of DELJIS. A civil project slate and work schedule is expected to be delivered by December 15, 1990 and this development of civil case management systems is scheduled to begin in 1991.

To provide more immediate relief to case processing pressures in the Superior Court and the Family Court in 1990, a judicial development team was assigned to design and develop an abbreviated capability to enable Superior Court to docket and track its civil caseload, and to provide an automated case index capability for the Family Court into which case data could be transferred from its manual 3 x 5 index cards. Full production is expected in early 1991 after installation of a new and more powerful mainframe at the Judicial Information Center.

The Family Court is attempting to secure federal funds to enable the development of a case management system for child support enforcement in 1991. While it is expected that the system will be integrated with the child support system operating on the social services database at the Biggs Data Center, this design is also expected to be a prototype of the Family Court civil system to run on the Judicial Information Center.

Replacement of the Judicial Mainframe System: It was forecasted in the Spring of 1989 that the mainframe system at the Judicial Information Center would reach its performance capacity in early 1990 and begin to degrade thereafter. Response times did deteriorate to an unacceptable level in mid-1990 and presently this situation precludes the addition of any new systems and applications. Fortunately, the State provided a sufficient appropriation in July, 1990 to enable the acquisition of a more powerful system that is scheduled to be installed in January of 1991. The next upgrade is forecasted to be needed in fiscal year 1993 after which the system is expected to be adequate through fiscal year 1998.

Office automation enhancements: Until this year, the State has provided good support for the



Family Court records department, New Castle County

acquisition of personal computer (PC) systems for word processing applications. The systems acquired by the Judiciary are compatible and capable of networking as criminal and civil case management systems develop in our courts. Some funding was provided to enable networking of existing PC systems in the Supreme Court and the Court of Chancery. It is expected that Statewide electronic communications will be established in 1990 to enable those courts remote access to local and external computer systems, and to exchange files and messages.

ARBITRATION AND MEDIATION

The arbitration programs of both the Family Court and the Superior Court along with the mediation program of Family Court continued to be effective alternatives to trials. In keeping with the intention of limiting the number of trials as much as possible, the Family Court had over 8,000 dispositions by mediation in a single fiscal year. In addition, the Family Court disposed of over 3,000 complaints through arbitration in the past year. Superior Court's arbitration program statistics support the proposition that the program is an effective dispute resolution alternative to the traditional judicial process which does not sacrifice that quality of justice or infringe upon the litigants' right to trial. During FY 1990, there were 2,833 new arbitration filings in Superior Court and there were 973 arbitration hearings. The fact that a growing number of civil cases not subject to the mandatory arbitration rule are being stipulated into the arbitration program suggests that this program is highly accepted by the Bar.

RECORDS MANAGEMENT

The purpose of the records management program of the Administrative Office of the Courts is to achieve a systematic, planned, coordinated approach to a total information management program and to ensure an effectively functioning, well documented program for the management and control of court records and information.

A major goal of the program is to demonstrate that the Judicial System of the State of Delaware is making every reasonable attempt to retain and dispose of its records in a responsible manner and in accordance with State Statutes, applicable guidelines, and good business practices. To this end, the Records Administrator, hired in February, 1990, began an assessment of the courts' records management practices, needs, and issues on a courtwide, statewide basis.

The appraisal process began with a review of each court's records retention schedule, the official policy adopted in 1984/1985 for retaining and disposing of court information. Based on the Supreme Court's schedule, all of the handwritten docket books, from 1898 through 1982, were transferred to the state's Bureau of Archives and Records Management (B/ARM) for permanent storage and preservation. In addition, a project for purging and prepping the early Supreme Court case files for microfilming was initiated. Recommendations were made for revisions to the Supreme Court's schedule, and other court schedules were examined for updating the minimum times to keep documents or files in active or semi-active storage. Lack of storage space and backlogs of records requiring purging of non-vital documents were identified as major concerns. The problem for all of Delaware's courts to prepare and purge records for microfilming, identified by the National Center for State Courts as an issue in 1983, is still probably the most pressing need for short term and long-term solutions.

The assessment of each court's records management environment revealed issues which involve other criminal justice agencies, such as expungement of records; areas in critical need of attention, such as disaster preparedness; and the need for utilizing advanced technologies to address streamlining records/case/information management.

Future plans include the development and administration of records management policies and standards, including periodic audits of retention schedules; the identification and protection of vital court records as they are filed or created; the development of automated information systems, in conjunction with the strategic information systems plan of the Administrative Office of the Courts (AOC); and the establishment of a State Courts Records Management Advisory Committee to support the records management program of the AOC.

LEGISLATION

The legislative agenda endorsed by the Chief Justice and the Long Range Courts Planning Committee for the improvement of the court system was a substantial one for FY 1990. Regrettably, only a limited number of bills designed to improve the courts achieved passage at the end of the second session of the 135th General Assembly.

Among the most important bills and resolutions which made it through the legislative process during FY 1990 were the following:

House Bill 51 As Amended By House Amendment 1, Senate Amendment 1

This statute bill provided past service credit for those employees who were involved in the transfer of the Prothonotary's Office from county to state funding and who chose elected coverage by the State Employees' Pension Plan. This legislation filled a gap left by the law which originally transferred the Prothonotary's Office to state funding in 1987. The Governor signed this bill into law on April 18, 1990.

Fiscal Year 1990 Highlights and Major Developments

House Concurrent Resolution 160

This resolution supported the maintenance of the Sussex County Courthouse in its present location in Georgetown and also provided support for the construction of a much needed, new addition to the facility.

House Joint Resolution 11 As Amended By House Amendment 1

This resolution created a committee which is to study the proposed consolidation of the Court of Common Pleas and the Municipal Court of the City of Wilmington. The committee is to prepare a draft consolidation bill for introduction in the General Assembly not later than January 31, 1991. The 11 members of the committee include one member each for appointment by the Majority Leader of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate with the remaining members to be appointed by the Chief Justice.

Senate Bill 225

This bill which clarifies matters which are to be dealt with by Family Court Masters gives an individual the right to a review de novo before a Family Court Judge from any ruling by a Family Court Master. The request for review must be filed within 10 days of the date of the Master's order. The Governor signed this bill into law on January 31, 1990.

Senate Bill 288

This is the first leg of a constitutional amendment which would alter the composition of the Board of Canvass in Kent County by removing the Chancellor as a designee and permit the President Judge of the Superior Court to appoint an Associate Judge of that Court to sit on the Board with the Resident Judge in Kent County.

Senate Bill 436

This bill increased the Justice of the Peace Courts' civil jurisdiction from $2,500 to $5,000. The bill was signed into law by the Governor on July 23, 1990.

It is likely that the Long Range Courts Planning Committee will seek to have a number of bills which were not enacted reintroduced during the coming session. Among those bills were:

House Bill 13

This bill proposed Dover as the location where the Supreme Court would generally hold court, but it would have authorized the Court to hear arguments or hold hearings in Wilmington or Georgetown in order to lessen the time and expense of travel for parties to Dover.

House Bill 287

Essentially a constitutional amendment designed as a housekeeping bill, this bill would have made changes in that section of the Delaware Constitution which deals with the designation of Justices or Judges to sit in various courts. In particular, this proposed law identified that section of the statute which was not amended to compensate for the expansion of the Supreme Court from three Justices to five Justices in 1978. It would have also removed references to the Orphan's Court which was long ago abolished.

House Bill 480

This bill was considered the first step in the attempt to consolidate the Delaware Court System. It would have made full-time judges of the Municipal Court of the City of Wilmington members of the State Judiciary for pay and pension purposes. The City of Wilmington would have been obligated to make the needed payments to bring the judges up-to-date regarding their status in the State Pension Fund.

House Bill 483

This long sought after legislation would have increased the rate of reimbursement for jurors from $15 to $25 per day while eliminating any reimbursement for mileage while serving as a juror.

House Bill 759

This bill was a constitutional amendment which would have provided for the creation of senior status judges who would have been appointed by the Governor and would have then required confirmation by the Senate. An individual would also have been required to have served a minimum of 12 years as a member of the Delaware Judiciary, to have been receiving a state pension, to have been a Delaware resident, and to have agreed to serve. Such a person could have served as any other judge on the court to which he or she was appointed for a period of four years. However, termination could have occurred prior to that time either upon the request of the senior status judge or if so ordered by the Court on the Judiciary. This bill was intended to help the Judiciary deal with the increasing backlog of cases in the courts.

House Bill 780

This bill was intended to be the first leg of a constitutional amendment to make the Register in Chancery in each county a court-appointed rather than an elected official. The bill provided that the elected individual currently serving in the post could have retained that position for the duration of his/her term of office. Similar legislation pertaining to the Prothonotary in each county amended the Delaware Constitution in 1989.

Fiscal Overview

Fiscal Overview

THE FISCAL YEAR 1992 BUDGET REQUIREMENTS OF THE DELAWARE JUDICIARY

Excerpts from Chief Justice Andrew D. Christie's Budget Presentation to the State Budget Director on November 20, 1990.

INTRODUCTION

"The Delaware Court System is confronted with greater demands on its limited resources than ever before. This is due, in large part, to the impact of drug-related cases on our trial courts, and the increasing volume of complex civil litigation. The magnitude and severity of these problems is demonstrated by the following statistics. During the last two years, the court system's overall caseload has increased by more than 20%. The rise in the number of criminal cases has increased dramatically in all our trial courts. During this time period, the Justice of the Peace criminal caseload has increased by 20%; the Court of Common Pleas' criminal filings have increased 50%; Family Court's criminal filings have increased 9%; and most dramatic of all, the Superior Court, our State's general criminal trial court, has experienced an increase in criminal caseload in excess of 57%!

It is, indeed, unfortunate that our State, like most others, is feeling the pinch of an economic slowdown which has already cut into court programs and threatens even greater reductions in overall spending. This situation spells serious problems for our courts, and it has occurred as caseloads in all trial courts are increasing at an alarming rate.

It is assumed that there will be no additional cuts in our current operational appropriations, and, further, that the Fiscal 1992 Budget will enable operations to continue at least at their present levels. If additional cuts are made in our current operating appropriations, prompt restoration of those cuts will have to be a very high priority item for FY 1992."

COURT SECURITY

". . . Of special concern at the present time is the need to ensure the safety and well being of all persons in the courthouses throughout the State. Nowhere is the inadequacy of security measures in greater evidence than in the Public Building in Wilmington where interim action must be promptly taken to secure well-trained police officers equipped with weapons and explosives detection devices. Other court locations, such as the Sussex County Courthouse, are also in need of prompt attention."

INFORMATION SYSTEMS

". . . In Fiscal 1992, the modernization of our courts through the expanded development of our computerized information system must continue to be given consideration as a top priority. The provision of computerized technology is essential in order to enable judges and court managers to process cases more efficiently, to determine the status of an individual in the system, to manage our limited resources more effectively, and to forecast our needs more accurately. As emphasized in the past, this is a costly endeavor which will continue over a period of many years, but is will be far more costly to all concerned, both in the interests of improving the administration of justice and financially, if meaningful progress is not made each year."

COURT FACILITIES

". . . While additional expenditures for computerization is a major need for the Delaware Court System, there are other important requirements. The present space assigned to the various courts located in Wilmington and to the courts which occupy the Sussex County Courthouse are inadequate in many respects. Studies recently completed by an independent contractor, under the auspices of the Department of Administrative Services and at the behest of the General Assembly, show that a severe shortage of space now exists in these locations and that action must soon be taken to build new quarters and to expand and remodel those which are currently in use. The Public Building, the Sussex County Courthouse, and the Family Court Building in Wilmington are all inadequate. Large capital expenditures are badly needed to remodel and to enlarge these buildings or to find substitute space elsewhere. Additional Capital Improvement Project requests for Fiscal Year 1992 involve the Court of Chancery and the Justice of the Peace Courts. The Court of Chancery is seeking to have renovations of the Murphey House completed during the next fiscal year. The Justice of the Peace system is requesting continuation of their program to build court facilities."

PERSONNEL RESOURCES

". . . While the budget request emphasizes the need for courthouse security, computerization and adequate facilities, it is also imperative that the need for additional support personnel must be recognized. I have instituted a hiring freeze on all non-judicial personnel who are not deemed critical to court operations in order to cooperate with the executive branch during a time of budget shortages. However, it is clear that such action has placed an even greater burden on personnel who are already laboring under very heavy workloads."

Fiscal Overview

SUMMARY OF JUDICIAL BUDGETS – FISCAL YEAR 1989-1990-1991-1992

	F.Y. 1989 Actual Disbursement	F.Y. 1990 Actual Disbursement	F.Y. 1991 Appropriations	F.Y. 1992 Request
STATE*				
Administrative Office of the Courts	$ 3,317,400	$ 3,088,300	$ 2,962,600	$ 5,986,900
Judicial Information Center	670,900	660,000	669,500	974,500
Supreme Court	1,355,700	1,720,200	1,560,500	1,723,500
Court of Chancery	1,176,600	1,494,700	1,491,800	1,559,400
Public Guardian	219,300	266,500	238,800	270,100
Superior Court	7,943,300	8,746,700	9,094,500	9,874,200
Law Libraries	364,200	384,100	385,700	456,200
Family Court	9,829,000	10,542,400	10,923,600	11,738,800
Court of Common Pleas	2,408,800	2,578,500	2,626,800	2,811,700
Justice of the Peace Courts	6,947,100	7,188,800	7,473,300	8,091,400
Violent Crimes Compensation Board	1,171,200	1,465,700	1,919,700	1,973,600
Foster Care Review Board	264,600	232,400	370,800	364,800
Educational Surrogate Parent Program**	—	—	46,200	50,100
STATE TOTALS	$35,668,100	$38,368,300	$39,763,800	$45,875,200
NEW CASTLE COUNTY				
Register in Chancery	$ 614,131	$ 612,225	$ 640,123	N.A.
Register of Wills	656,574	661,423	701,341	N.A.
Prothonotary	120,000	81,177	82,572	N.A.
Sheriff	1,083,082	1,089,785	1,106,431	N.A.
NEW CASTLE COUNTY TOTALS	$ 2,473,787	$ 2,444,610	$ 2,530,467	N.A.
KENT COUNTY				
Register in Chancery	$ 71,505	$ 85,363	$ 90,696	N.A.
Register of Wills	58,824	59,492	57,328	N.A.
Prothonotary	—	—	—	—
Sheriff	146,968	172,815	183,325	N.A.
KENT COUNTY TOTALS	$ 277,297	$ 317,670	$ 331,349	N.A.
SUSSEX COUNTY				
Register in Chancery	$ 72,824	$ 79,484	$ 83,598	N.A.
Register of Wills	76,429	84,063	95,207	N.A.
Prothonotary	—	—	—	—
Sheriff	164,343	185,577	165,138	N.A.
SUSSEX COUNTY TOTALS	$ 313,596	$ 349,124	$ 343,943	N.A.
MUNICIPALITIES				
Municipal Court*	$ 982,453	$ 1,069,877	$ 1,159,103	N.A.
Alderman's Courts	N.A.	N.A.	N.A.	N.A.
MUNICIPALITIES TOTAL	N.A.	N.A.	N.A.	N.A.
GRAND TOTALS-JUDICIAL BRANCH ***	$39,715,233	$42,549,581	$44,128,662	$45,875,200

N.A. = Not Available

*Figures include State governed funds, federal funds, City of Wilmington funds, and other funds.

**The Educational Surrogate Parent Program was a new budget unit for Fiscal Year 1991 appropriations. Previously, this program was part of the Office of the Public Guardian.

***Alderman's Courts not included in any totals. Totals for F.Y. 1992 include only State totals.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1990

SUBMITTED TO STATE GENERAL FUND

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Administrative Office of the Courts	$ 0	$ 0	$ 0	$ 200	$ 200	0.0%
Judicial Information Center	0	0	0	0	0	0.0%
Supreme Court	34,200	1,600	0	500	36,300	2.1%
Court of Chancery	0	0	308,100	13,100	321,200	21.5%
Public Guardian	0	0	0	1,500	1,500	0.6%
Superior Court	1,126,900	131,600	213,800	64,300	1,536,600	17.6%
Law Libraries	0	0	0	0	0	0.0%
Family Court	363,500	52,300	0	18,500	434,300	4.1%
Court of Common Pleas	237,100	499,200	0	44,700	781,000	30.3%
Justice of the Peace Courts	2,342,600	3,147,600	0	23,000	5,513,200	76.7%
Foster Care Review Board	0	0	0	0	0	0.0%
Educ. Surr. Parent Program	0	0	0	0	0	0.0%
STATE GENERAL FUND TOTALS	$4,104,300	$3,832,300	$521,900	$165,800	$8,624,300	22.5%

COURT GENERATED REVENUE* – FISCAL YEAR 1990

RECEIVED BY VICTIMS COMPENSATION FUND

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Superior Court	—	$ 143,695	—	—	$ 143,695	—
Family Court	—	9,831	—	—	9,831	—
Court of Common Pleas	—	128,360	—	—	128,360	—
Municipal Court	—	103,943	—	—	103,943	—
Justice of the Peace Courts	—	816,025	—	—	816,025	—
Alderman's Courts	—	130,059	—	—	130,059	—
Restitution	—	34,274	—	—	34,274	—
VICTIMS COMPENSATION FUND TOTALS	—	$1,366,187	—	—	$1,366,187	102.8%

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#FY 1990 Revenue divided by FY 1990 Actual Disbursement, which includes State general, federal, and other funds

Educ. Surr. Parent Program = Educational Surrogate Parent Program

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1990

SUBMITTED TO NEW CASTLE COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	$ 470,782	$ 0	$303,235	$ 0	$ 774,017	126.4%
Register of Wills	1,796,166	0	0	0	1,796,166	271.6%
Prothonotary	103,619	21,183	3,925	0	128,727	158.6%
Sheriff	582,318	0	0	2,313	584,631	53.7%
Justice of the Peace Courts	0	487,702	0	0	487,702	6.8%
NEW CASTLE COUNTY TOTALS	$2,952,885	$508,885	$307,160	$2,313	$3,771,243	134.3%##

COURT GENERATED REVENUE* – FISCAL YEAR 1990

SUBMITTED TO KENT COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	$ 13,617	$ 0	$ 2,633	$ 0	$ 16,250	19.0%
Register of Wills	234,145	0	0	802	234,947	394.9%
Prothonotary	44,649	0	0	0	44,649	—
Sheriff	233,931	0	0	0	233,931	135.4%
KENT COUNTY TOTALS	$526,342	$ 0	$ 2,633	$ 802	$529,777	166.8%##

COURT GENERATED REVENUE* – FISCAL YEAR 1990

SUBMITTED TO SUSSEX COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	$ 23,723	$ 0	$ 2,242	$ 0	$ 25,965	32.7%
Register of Wills	445,234	0	0	0	445,234	529.6%
Prothonotary	14,035	8,629	0	0	22,664	—
Sheriff	165,212	0	0	0	165,212	89.1%
SUSSEX COUNTY TOTALS	$648,204	$ 8,629	$ 2,242	$ 0	$659,075	188.8%##

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#FY 1990 Revenue divided by FY 1990 Actual Disbursement.

Revenue as a % of disbursement for county offices.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1990

SUBMITTED TO MUNICIPALITIES

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement##
Municipal Court	$118,051	$ 738,849	$ 0	$ 0	$ 856,900	80.1%
Justice of the Peace Courts	0	1,423,832	0	0	1,423,832	19.8%#
Alderman's Courts	213,156	862,555	0	0	$1,075,711	N.A.
MUNICIPALITIES TOTALS	$331,207	$3,025,236	$ 0	$ 0	$3,356,443	N.A.

COURT GENERATED REVENUE* – FISCAL YEAR 1990

GRAND TOTALS - JUDICIAL BRANCH

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement##
TOTALS	$8,562,938	$7,375,050	$833,935	$168,915	$16,940,838	39.8%§

RESTITUTION – FISCAL YEAR 1990

Court	Restitution Assessed	Restitution Collected	Restitution Disbursed
Supreme Court	$ 0	$ 0	$ 0
Court of Chancery	0	0	0
Superior Court			
New Castle County Prothonotary	1,842,505	360,309	339,990
Kent County Prothonotary	166,157	87,213	87,213
Sussex County Prothonotary	335,085	58,067	46,165
Family Court	212,026	113,934	109,925
Court of Common Pleas	215,635	181,042	160,984
Municipal Court	N/A	47,350	47,350
Justice of the Peace Courts†	141,363	74,666	74,666
TOTALS††	$2,912,771	$922,581	$866,293

N/A = Not Available

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

Total revenue generated by the Justice of the Peace Courts in FY 1990 was $7,374,734 which represents 102.6% of expenditures for that year.

##FY 1990 Revenue divided by FY 1990 Actual Disbursement, which includes State general, federal, and other funds.

§ This figure is approximate as some expenditure data is not available.

† Most restitution assessed in Justice of the Peace Courts is ordered to be paid directly to the victim, thus explaining the apparent disparity between the amount assessed and the amount collected.

††Totals exclude restitution assessed in Municipal Court.

Source: Administrative Office of the Courts.

Fiscal Overview

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1990

STATE APPROPRIATIONS – TOTAL ($1,215,698.1)

Judicial Branch 3.0% ($35,886.2)

Public Education 33.2% ($403,325.0)

Executive Branch 52.5% ($638,324.5)

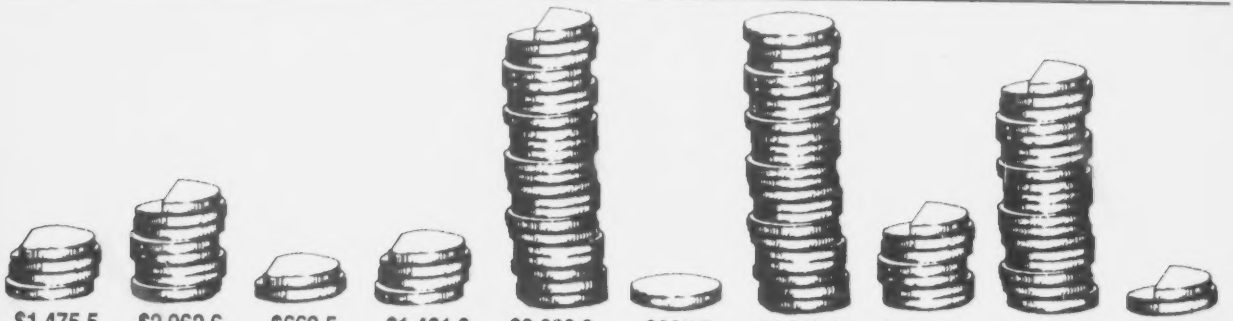
Higher Education 10.7% ($130,148.00)

Legislative Branch 0.7% ($8,014.4)

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1990

STATE APPROPRIATIONS – JUDICIARY ($35,886.2)

Supreme Court 4.1%	AOC** 8.3%	Judicial Information Center 1.9%	Court of Chancery 4.2%	Superior Court 25.0%	Law Libraries 1.1%	Family Court 25.8%	Court of Common Pleas 7.3%	Justice of the Peace Courts 20.8%	Other 1.5%
$1,475.5	$2,962.6	$669.5	$1,491.8	$8,990.9	$385.7	$9,254.0	$2,626.8	$7,473.6	$555.8



One Coin = $400,000

Other: Public Guardian 0.7% ($238.8); Foster Care Review Board 0.7% ($270.8); Educational Surrogate Parent Program 0.1% ($46.2).

*State general fund monies only.

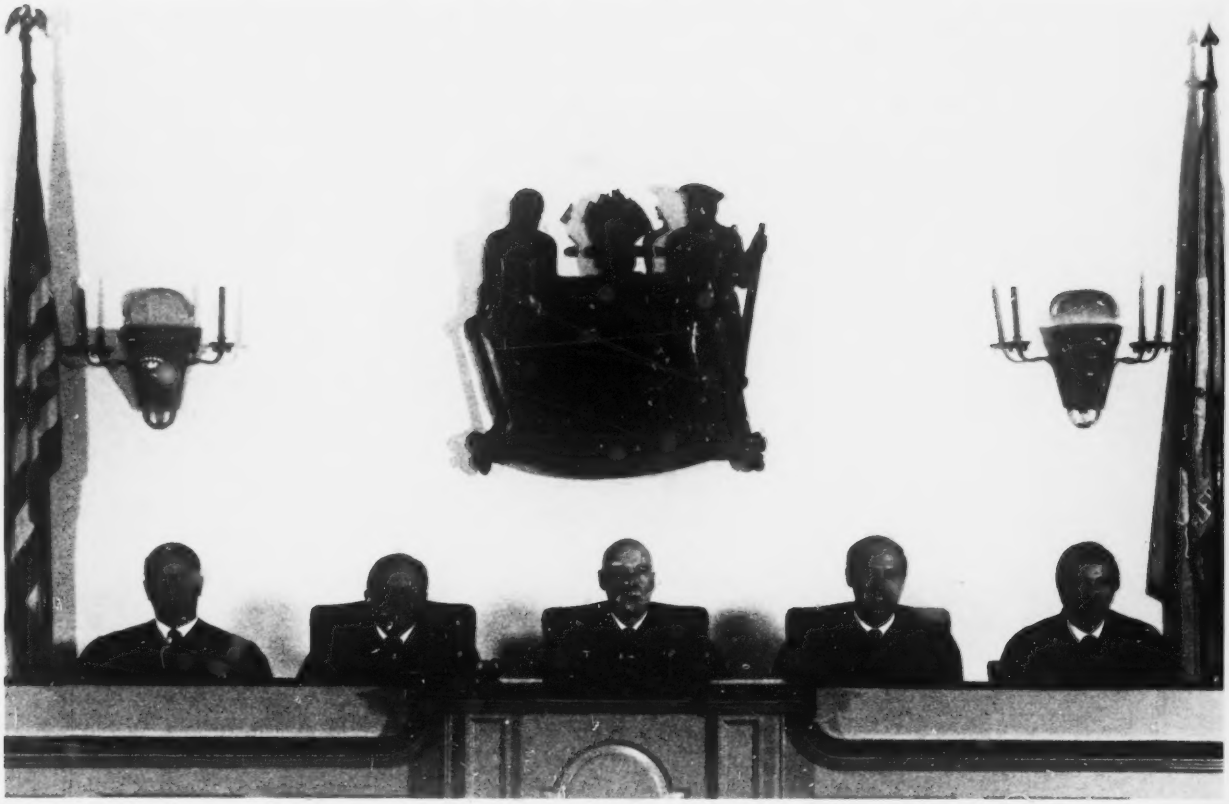
**Administrative Office of the Courts

Source: 135th General Assembly, Senate Bill 500.

Supreme Court

Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Supreme Court



SUPREME COURT

(Left to Right)
Justice Joseph T. Walsh
Justice Henry R. Horsey
Chief Justice Andrew D. Christie
Justice Andrew G.T. Moore, II
Justice Randy J. Holland

Supreme Court

Legal Authorization

The Supreme Court is created by the *Constitution of Delaware*, Article IV, Section 1. The Supreme Court sits in Dover but the Justices maintain their chambers in the counties where they reside.

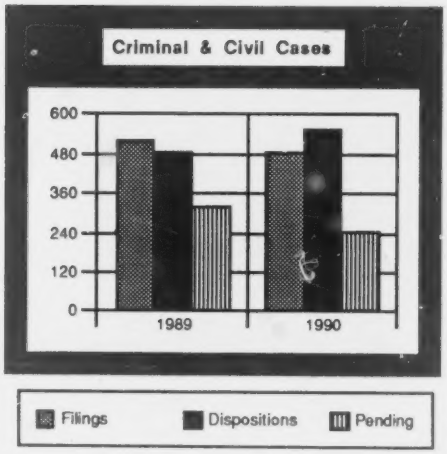
Court History

The modern day Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three Justices and was enlarged to the current five Justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record. Under some circumstances the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus.



Justices

The Supreme Court consists of a Chief Justice and four Justices who are nominated by the Governor and confirmed by the Senate. The Justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the Justices must be of one of the major political parties while the other two Justices must be of the other major political party.

Administration

The Chief Justice is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a Court Administrator, a Clerk of the Court/Staff Attorney, an assistant clerk, law clerks, secretaries, two senior clerks and a court clerk.

Caseload Trends

Filings fell by 7.5% from 523 in FY 1989 to 484 in FY 1990. Dispositions rose by 15.1% during the same period to 558 in FY 1990 from 485 in FY 1989. The combination of an increase of dispositions with a drop in filings led to a 23.3% decrease in pending from 318 at the end of FY 1989 to 244 at the end of FY 1990.

The average elapsed time from filing to disposition, which measures the number of days from the date in which the case is filed to the date of disposition, rose from 197.8 days in FY 1989 to 222.6 days in FY 1990. There was also an increase in the average time from submission to disposition, which measures the time from the date a case is submitted for judicial decision to the date of disposition, from 43.4 days in FY 1989 to 58.0 days in FY 1990.

Arms of the Supreme Court

Board on Professional Responsibility and Office of Disciplinary Counsel

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Board on Professional Responsibility Rule 1(c) (3) respectively. The Board on Professional Responsibility consists of 13 persons, nine of whom shall be members of the Bar and four of whom shall be public non-lawyer members. Members of the Board are appointed for three-year terms. Under Supreme Court Rule 62(c), the Court appoints a Preliminary Review Committee consisting of nine persons, six of whom shall be members of the Bar and three of whom shall be public non-lawyer members. Additionally, under Supreme Court Rule 62(d), the Court appoints members of the Bar to serve as Assistant Disciplinary Counsel as needed. The Board, Disciplinary Counsel, the Preliminary Review Committee and Assistant Disciplinary Counsel are responsible for regulation of the conduct of the members of the Delaware Bar. Matters heard by the Board on Professional Responsibility are subject to review by the Delaware Supreme Court.

Clients' Security Trust Fund

The Clients' Security Trust Fund is authorized by Supreme Court Rule 66. There are nine trustees appointed by the Court, consisting of seven persons who shall be members of the Bar and two persons who shall be non-lawyer members. Trustees are appointed for seven-year terms. The purpose of the trust fund is to establish, as far as practicable, the collective responsibility of the legal profession in respect to losses caused to the public by defalcations of members of the Bar. For the period May 1, 1989 through April 30, 1990, 0 claims were recognized and paid by the Trustees during the year.

Board of Bar Examiners

The Board of Bar Examiners is authorized by Supreme Court Rule 51. The Board consists of 12 members of the Bar who are appointed by the Court for four-year terms. The Court may appoint associate members of the Board to assist each member of the Board. Associate members are appointed for one-year terms. Currently, there are 12 associate members. It is the duty of the Board to administer Supreme Court Rules 51 through 55 which govern the testing and procedures for admission to the Bar. In Calendar Year 1989, 130 of the 201 candidates passed the Bar Examination.

Commission on Continuing Legal Education

The Commission on Continuing Legal Education is authorized by Supreme Court Rule 70 and Mandatory Continuing Legal Education Rule 3. The Commission consists of five members who are appointed by the Court for three-year terms. One member shall be a member of the Judiciary. No more than one member may be a person who is not an attorney. The purpose of the Commission is to ensure that minimum requirements for continuing legal education are met by attorneys in order to maintain their professional competence throughout their active practice of law.

Advisory Committee on Interest on Lawyer Trust Accounts

The six member Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The Committee members are appointed by the Court for three-year terms. The function of the Committee is to oversee and monitor the operation of the Delaware IOLTA Program as established pursuant to DR9-102 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and disburse all funds generated by the IOLTA program.

Permanent Advisory Committee on Supreme Court Rules

The Permanent Advisory Committee on Supreme Court Rules is authorized by Supreme Court Rule 94. The Committee consists of nine or more members of the Bar who shall be appointed by the Court for three-year terms. It is the Committee's responsibility to monitor Supreme Court Rules, consider and draft changes and receive and consider comments from members of the Bar and Bench and from others. The Committee also has the power to make recommendations to the Supreme Court concerning the rules and practices of lower courts.

Committee on Publication of Opinions

The Committee on Publication of Opinions is authorized by Supreme Court Rule 93. The Committee consists of one member each from the Supreme Court, the Court of Chancery, the Superior Court and the Family Court. The members are appointed by the Chief Justice and serve at his pleasure. It is the responsibility of the Committee to determine by majority vote which opinions (or parts thereof) of the Court of Chancery, the Superior Court and the Family Court, respectively, shall be approved for official publication by West Publishing Company in both the *Atlantic Reporter* and the *Delaware Reporter*. In discharging such responsibility, the Committee shall consider public interest in the litigation, the novelty of the issues presented, the importance of the case as a legal precedent and/or whether the form of the opinion is appropriate for publication.

Supreme Court

FISCAL YEAR 1990 – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
Criminal Appeals	158	178	215	121	– 37	– 23.4%
Civil Appeals	147	274	300	121	– 26	– 17.7%
Certifications	4	1	5	0	– 4	–100.0%
Original Applications*	9	31	38	2	– 7	– 77.8%
TOTALS	318	484	558	244	– 74	– 23.3%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

FILINGS

	1989	1990	Change	% Change
Criminal Appeals	193	178	– 15	– 7.8%
Civil Appeals	275	274	– 1	– 0.4%
Certifications	6	1	– 5	– 83.3%
Original Applications	33	26	– 7	– 21.2%
Bd. on Prof. Resp.	10	4	– 6	– 60.0%
Bd. of Bar Exam.	6	0	– 6	–100.0%
Advisory Opinions.	0	1	+ 1	—
TOTALS	523	484	– 39	– 7.5%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

DISPOSITIONS

	1989	1990	Change	% Change
Criminal Appeals	158	215	+ 57	+ 36.1%
Civil Appeals	268	300	+ 32	+ 11.9%
Certifications	5	5	0	0.0%
Original Applications	37	28	– 9	– 24.3%
Bd. on Prof. Resp.	10	9	– 1	– 10.0%
Bd. of Bar Exam.	7	0	– 7	– 100.0%
Advisory Opinions.	0	1	+ 1	—
TOTALS	485	558	+ 73	+ 15.1%

*Board of Bar Examiners, Board on Professional Responsibility and Advisory Opinions are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

FISCAL YEAR 1990 – CASELOAD BREAKDOWNS

FILINGS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	178	100.0%	0	0.0%	0	0.0%	178	100.0%
Civil Appeals	54	19.7%	137	50.0%	83	30.3%	0	0.0%	274	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	26	100.0%	26	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	4	100.0%	4	100.0%
Advisory Opinions.	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
TOTALS	54	11.2%	315	65.1%	83	17.1%	32	6.6%	484	100.0%

FISCAL YEAR 1990 – CASELOAD BREAKDOWNS

DISPOSITIONS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	215	100.0%	0	0.0%	0	0.0%	215	100.0%
Civil Appeals	56	18.7%	159	53.0%	85	28.3%	0	0.0%	300	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	5	100.0%	5	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	28	100.0%	28	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	9	100.0%	9	100.0%
Advisory Opinions.	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
TOTALS	56	10.0%	374	67.0%	85	15.2%	43	7.7%	558	100.0%

FISCAL YEAR 1990 – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Court of Chancery	Superior Court	Family Court	Non-Court Originated	TOTALS
Criminal Appeals	0	– 37	0	0	– 37
Civil Appeals	– 2	– 22	– 2	0	– 26
Certifications	0	0	0	– 4	– 4
Original Applications	0	0	0	– 2	– 2
Bd. on Prof. Resp.	0	0	0	– 5	– 5
Advisory Opinions.	0	0	0	0	0
TOTALS	– 2	– 59	– 2	– 11	– 74

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

TYPES OF DISPOSITIONS – FISCAL YEAR 1990 – CASELOAD

APPEALS DISPOSITIONS

	Affirmed		Aff.Pt./ Rev. Pt.		Reversed		Question Answered		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Totals	
Criminal Appeals	158	73.5%	5	2.3%	6	2.8%	1	0.5%	10	4.7%	33	15.3%	2	0.9%	215	100.0%
Civil Appeals	146	48.7%	9	3.0%	19	6.3%	0	0.0%	51	17.0%	39	13.0%	36	12.0%	300	100.0%
Totals	304	59.0%	14	2.7%	25	4.9%	1	0.2%	61	11.8%	72	14.0%	38	7.4%	515	100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1990 – CASELOAD

MISCELLANEOUS DISPOSITIONS

	Action Taken*		Remanded		Refused/ Denied		Voluntary Dismissal		Court Dismissal		Question Answered		Totals	
Certifications	0	0.0%	1	20.0%	2	40.0%	0	0.0%	0	0.0%	2	40.0%	5	100.0%
Original Applications	0	0.0%	0	0.0%	2	7.1%	3	10.7%	23	82.1%	0	0.0%	28	100.0%
Bd. on Prof. Resp.	5	55.6%	0	0.0%	0	0.0%	0	0.0%	4	44.4%	0	0.0%	9	100.0%
Advisory Opinions	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Totals	5	11.6%	1	2.3%	4	9.3%	3	7.0%	27	62.8%	3	7.0%	43	100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1990 – CASELOAD

METHODS OF DISPOSITIONS

	Assigned Opinion		Per Curiam Opinion		Written Order		Voluntary Dismissal		Totals	
Criminal Appeals	27	12.6%	5	2.3%	173	80.5%	10	4.6%	215	100.0%
Civil Appeals	47	15.7%	5	1.7%	197	65.7%	51	17.0%	300	100.0%
Certifications	2	40.0%	0	0.0%	3	60.0%	0	0.0%	5	100.0%
Original Applications	0	0.0%	0	0.0%	25	89.3%	3	10.7%	28	100.0%
Bd. on Prof. Resp.	0	0.0%	3	33.3%	6	66.7%	0	0.0%	9	100.0%
Advisory Opinions	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Totals	77	13.8%	13	2.3%	404	72.4%	64	11.5%	558	100.0%

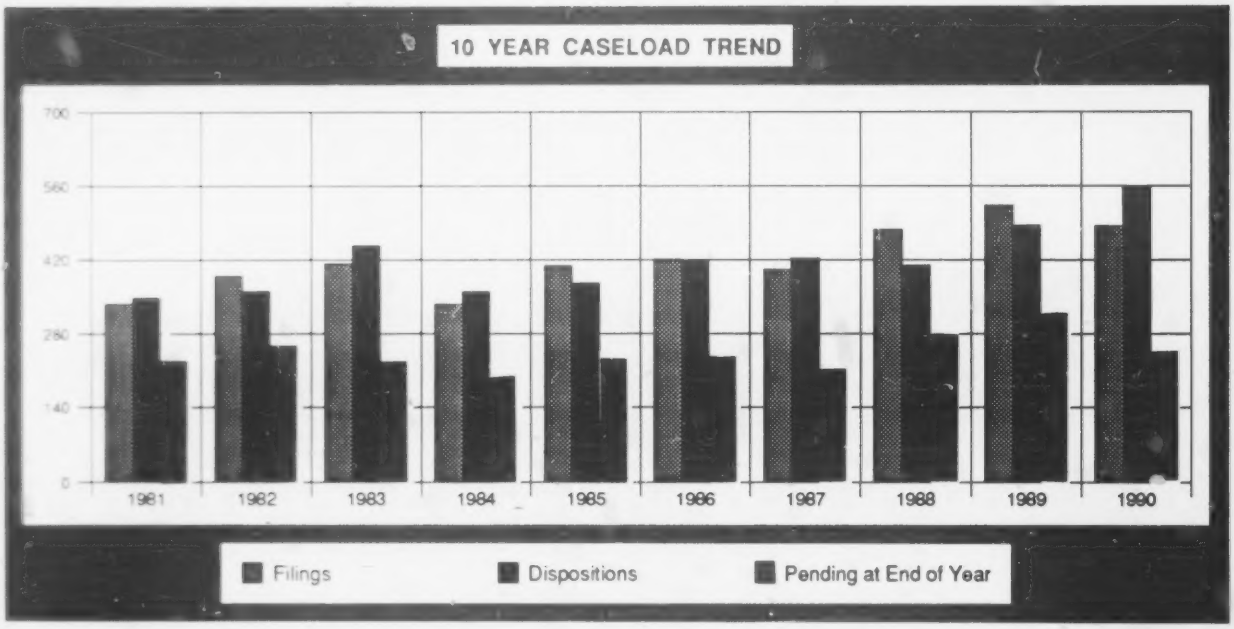
*Action Taken includes disbarment, suspensions, restrictions, reprimands and reinstatements.

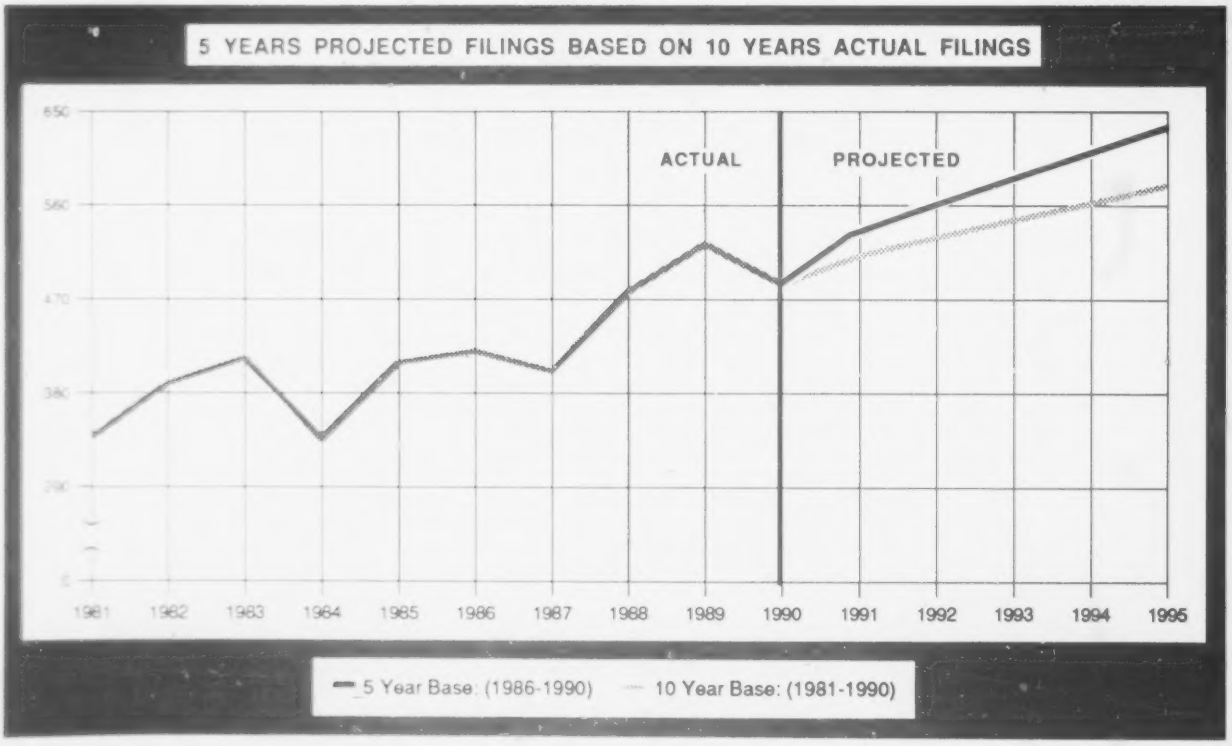
Aff. Pt./Rev. Pt. = Affirmed in Part/Reversed in Part

Bd. on Prof. Resp. = Board on Professional Responsibility

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court Total





Trend lines computed by linear regression analysis

Source: Administrative Office of the Courts

Supreme Court

FISCAL YEAR 1990 – PERFORMANCE SUMMARY

AVERAGE ELAPSED TIME TO DISPOSITION

	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Criminal Appeals	215	296.2 days	66.5 days
Civil Appeals	300	187.7 days	55.0 days
Certifications	5	265.2 days	113.8 days
Original Applications	28	22.4 days	18.5 days
Bd. on Prof. Resp.	9	249.7 days	34.4 days
Advisory Opinion.	1	53.0 days	10.0 days
TOTALS	558	222.6 days	58.0 days

COMPARISON – FISCAL YEARS 1989-1990 – PERFORMANCE SUMMARY

AVERAGE TIME FROM FILING TO DISPOSITION

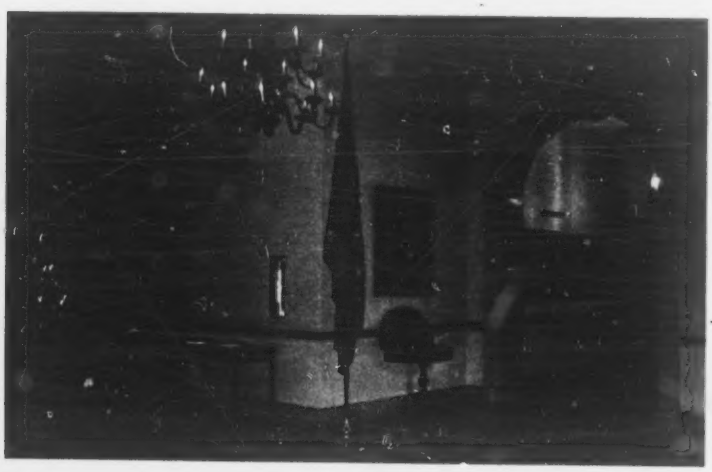
	1989	1990	Change	% Change
Criminal Appeals	252.2 days	296.2 days	+ 44.0 days	+ 17.4%
Civil Appeals	190.2 days	187.7 days	– 2.5 days	– 1.3%
Certifications	108.0 days	265.2 days	+ 157.2 days	+ 145.6%
Original Applications	30.2 days	22.4 days	– 7.8 days	– 25.8%
Bd. on Prof. Resp.	316.7 days	249.7 days	– 67.0 days	– 21.2%
Bd. of Bar Exam.	30.0 days	—	—	—
Advisory Opinion.	—	53.0 days	—	—
TOTALS	197.8 days	222.6 days	+ 24.8 days	+ 12.5%

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts



Main Lobby of Supreme Court — Supreme Court Building.

Supreme Court

FISCAL YEAR 1990 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION TYPE

Type of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Affirmed	304	292.4 days	63.4 days
Affirmed Part/Reversed in Part	14	512.8 days	181.7 days
Reversed	25	371.9 days	133.5 days
Remanded	1	567.0 days	152.0 days
Voluntary Dismissal	64	109.2 days	—
Court Dismissal	99	66.5 days	18.1 days
Leave to Appeal Denied	39	30.1 days	17.2 days
Question Answered	4	352.8 days	160.5 days
Other	8	268.3 days	32.1 days
TOTALS	558	222.6 days	58.0 days

FISCAL YEAR 1990 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION METHOD

Method of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Assigned Opinion	77	433.4 days	173.2 days
Per Curium Opinion	13	398.2 days	182.1 days
Written Order	404	194.8 days	32.1 days
Voluntary Dismissal	64	109.2 days	—
TOTALS	558	222.6 days	58.0 days

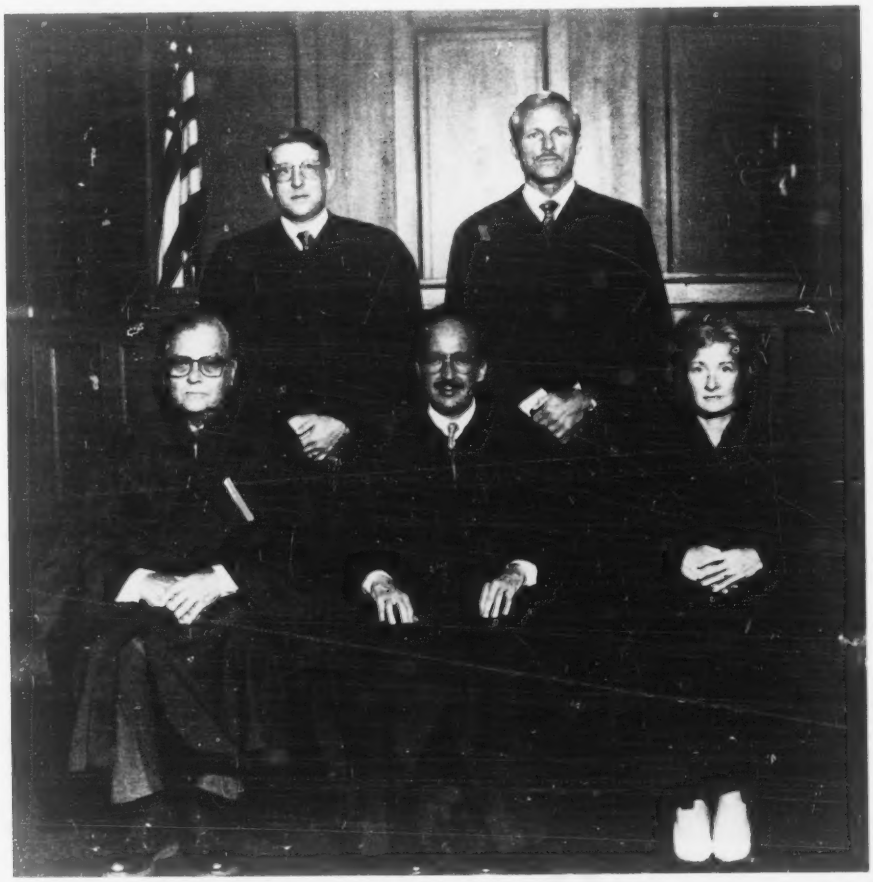
*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Source: Court Administrator a Clerk of the Supreme Court; Administrative Office of the Courts

Court of Chancery

Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Court of Chancery



COURT OF CHANCERY

Seated (Left to Right)
Vice-Chancellor Maurice A. Hartnett, III
Chancellor William T. Allen
Vice-Chancellor Carolyn Berger

Standing (Left to Right)
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Court of Chancery

Legal Authorization

The *Constitution of Delaware*, Article IV, Section 1, authorizes the Court of Chancery.

Court History

The Court of Chancery came into existence as a separate court under the Constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from that Court. The Court consisted solely of the Chancellor until 1939 when the position of Vice-Chancellor was added. The increase on the Court's workload since then has led to further expansions to its present compliment of a Chancellor and four Vice-Chancellors, with the addition of the fourth Vice-Chancellor being made in 1959.

Geographic Organization

The Court of Chancery holds court in Wilmington, Dover and Georgetown.

Legal Jurisdiction

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today's practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 *Del. C.*, §369).

Judges

The Court of Chancery consists of one Chancellor and four Vice-Chancellors. The fourth Vice-Chancellor position is authorized by House Bill 60 which became law in January, 1989. The Chancellor and Vice-Chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The Chancellor and Vice-Chancellors must be learned in the law and must be Delaware citizens.

Support Personnel

The Chancellor may appoint court reporters, bailiffs, criers or pages, and law clerks. The Register in Chancery is the Clerk of the Court for all actions except those within the jurisdiction of the Register of Wills. A Register in Chancery is elected for each county. The Chancellor or Vice-Chancellor resident in the county is to appoint one Chief Deputy Register in Chancery in each county. The Register in Chancery in New Castle County appoints a Chief Deputy Register in Chancery as well.

Public Guardian

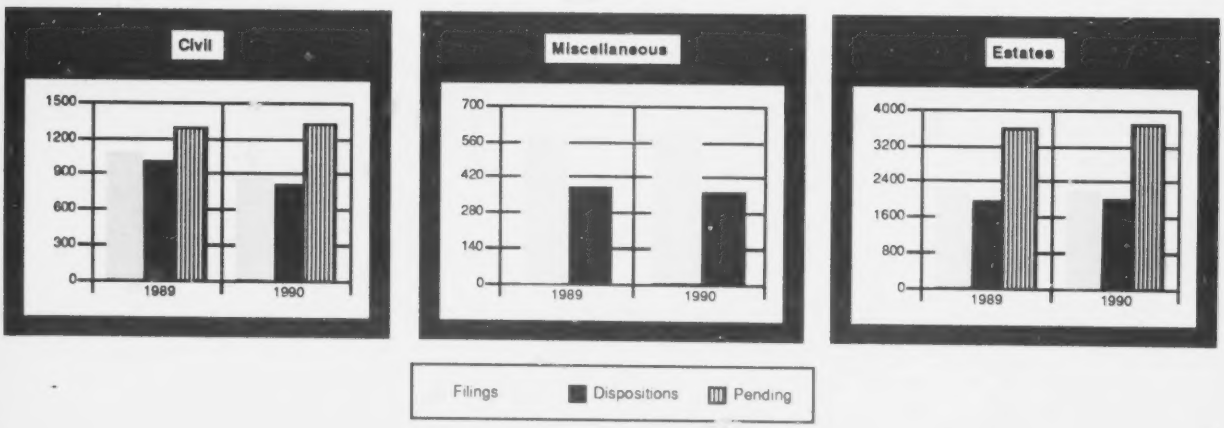
The Chancellor has the duty to appoint the Public Guardian.

Caseload Trends

There was a 19.4% decrease in civil filings from 1,071 in FY 1989 to 863 in FY 1990. Civil dispositions decreased by 18.5% to 812 in FY 1990 from an amended total of 996 in FY 1989. Civil pending rose by 4.0% from an amended total of 1,279 at the end of FY 1989 to 1,330 at the end of FY 1990.

Miscellaneous matters filed increased by 5.1% to 600 in FY 1990 from 571 in FY 1989. The number of miscellaneous matters disposed of fell by 5.2% from an amended total of 382 in FY 1989 to 362 in FY 1990.

There was a 2.5% fall in estates filed from an amended total of 2,202 in FY 1989 to 2,148 in FY 1990. Estates dispositions rose by 2.2% to 2,038 in FY 1990 from 1,994 in FY 1989. There was a rise in pending of 3.1% from an amended total of 3,595 at the end of FY 1989 to 3,705 at the end of FY 1990.



Court of Chancery

FISCAL YEAR 1990 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	1,050	709	690	1,069	+ 19	+ 1.8%
Kent	96	59	46	109	+ 13	+ 13.5%
Sussex	*133	95	76	152	+ 19	+ 14.3%
State	*1,279	863	812	1,330	+ 51	+ 4.0%

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

FILINGS

	1989	1990	Change	% Change
New Castle	964	709	– 255	– 26.5%
Kent	50	59	+ 9	+ 18.0%
Sussex	57	95	+ 38	+ 66.7%
State	1,071	863	– 208	– 19.4%

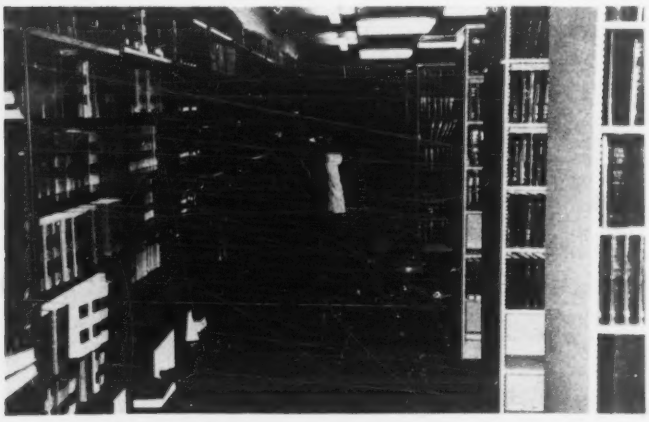
COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

DISPOSITIONS

	1989	1990	Change	% Change
New Castle	896	690	– 206	– 23.0%
Kent	36	46	+ 10	+ 27.8%
Sussex	*64	76	+ 12	+ 18.8%
State	*996	812	– 184	– 18.5%

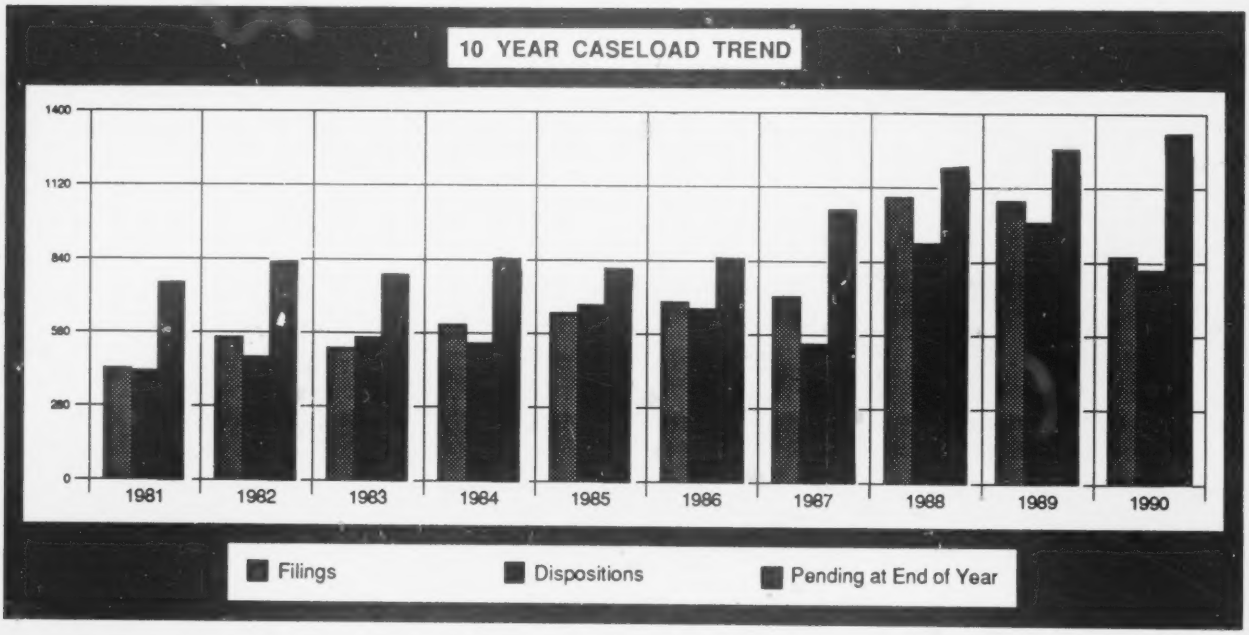
* Amended from 1989 Annual Report.

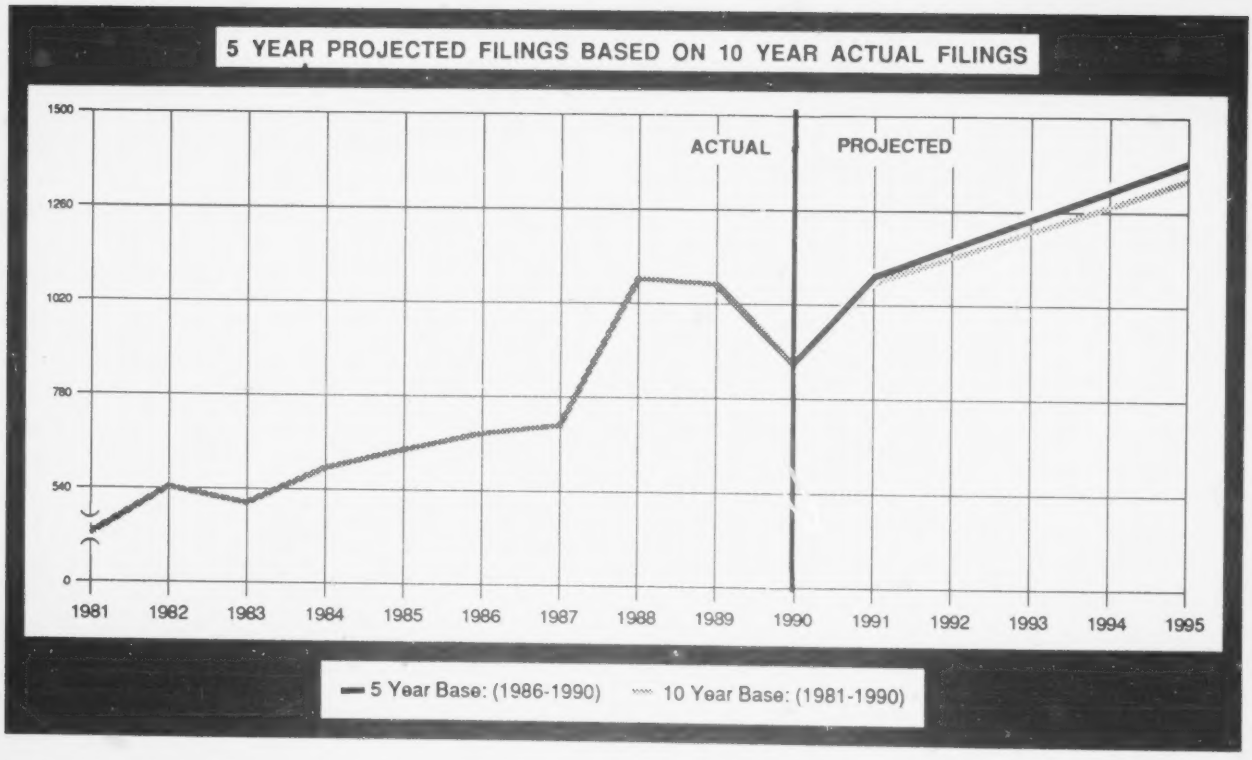
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts



Sussex County Law Library
— Sussex County

Court of Chancery – Civil





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1990 MISCELLANEOUS MATTERS – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle	3,372	349	154	3,567	+ 195	+ 5.8%
Kent	729	78	46	761	+ 32	+ 4.4%
Sussex	*1,393	173	162	1,404	+ 11	+ 0.8%
State	*5,494	600	362	5,732	+ 238	+ 4.3%

COMPARISON – FISCAL YEARS 1989-1990 MISCELLANEOUS MATTERS – CASELOAD

FILINGS

	1989	1990	Change	% Change
New Castle	331	349	+ 18	+ 5.4%
Kent	65	78	+ 13	+ 20.0%
Sussex	175	173	– 2	– 1.1%
State	571	600	+ 29	+ 5.1%

COMPARISON – FISCAL YEARS 1989-1990 MISCELLANEOUS MATTERS – CASELOAD

DISPOSITIONS

	1989	1990	Change	% Change
New Castle	214	154	– 60	– 28.0%
Kent	59	46	– 13	– 22.0%
Sussex	*109	162	+ 53	+ 48.6%
State	*382	362	– 20	– 5.2%

* Amended from 1989 Annual Report.

Source: New Castle County, Kent County, and Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1990 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

FILINGS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	124	35.5%	117	33.5%	17	4.9%	61	17.5%	30	8.6%	349	100.0%
Kent	38	48.7%	30	38.5%	0	0.0%	3	3.9%	7	9.0%	78	100.0%
Sussex	41	23.7%	26	15.0%	0	0.0%	38	22.0%	68	39.3%	173	100.0%
State	203	33.8%	173	28.8%	17	2.8%	102	17.0%	105	17.5%	600	100.0%

FISCAL YEAR 1990 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

DISPOSITIONS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	50	32.5%	43	27.9%	7	4.6%	35	22.7%	19	12.3%	154	100.0%
Kent	18	39.1%	22	47.8%	0	0.0%	4	8.7%	2	4.4%	46	100.0%
Sussex	45	27.8%	27	16.7%	0	0.0%	9	5.6%	81	50.0%	162	100.0%
State	113	31.2%	92	25.4%	7	1.9%	48	13.3%	102	28.2%	362	100.0%

FISCAL YEAR 1990 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	669	18.8%	1,047	29.4%	182	5.1%	1,207	33.8%	462	13.0%	3,567	100.0%
Kent	307	40.3%	237	31.1%	15	2.0%	169	22.2%	33	4.3%	761	100.0%
Sussex	303	21.6%	110	7.8%	16	1.1%	954	68.0%	21	1.5%	1,404	100.0%
State	1,279	22.3%	1,394	24.3%	213	3.7%	2,330	40.7%	516	9.0%	5,732	100.0%

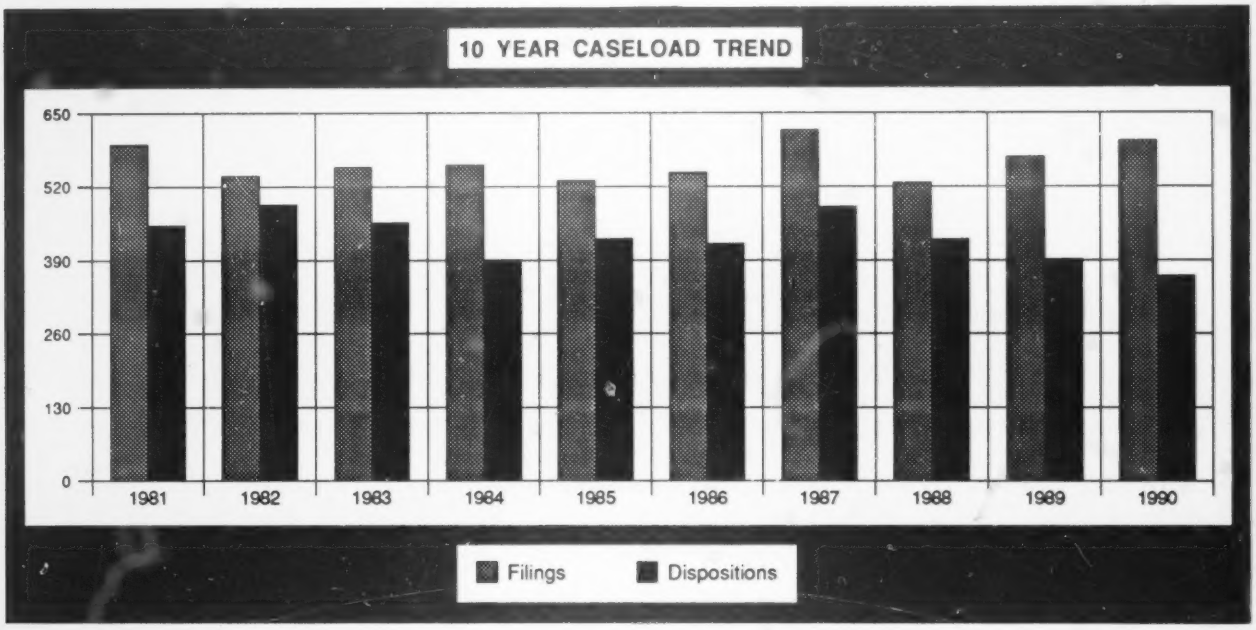
FISCAL YEARS 1989-1990 MISCELLANEOUS MATTERS — CASELOAD BREAKDOWNS

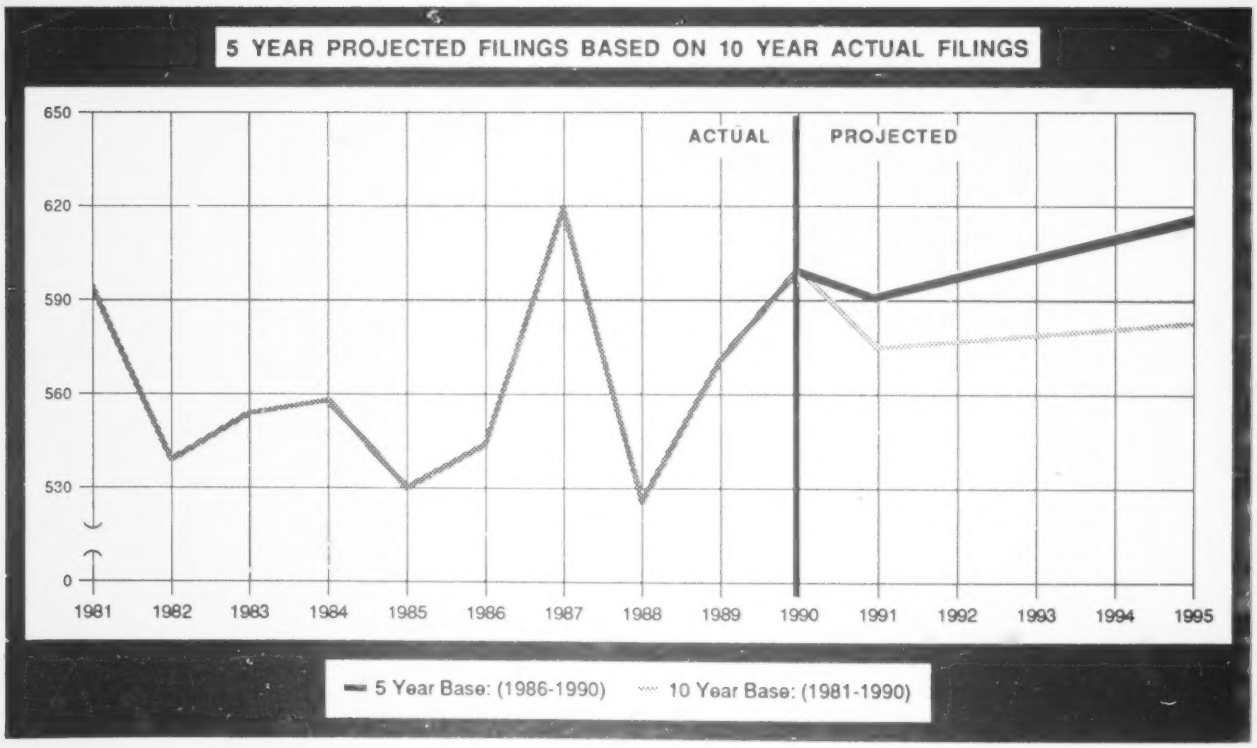
CHANGE IN PENDING

	Guardians for Minors	Guardians for Infirm	Trustees for Mentally Ill	Trusts	Other Matters	TOTALS
New Castle	+ 74	+ 74	+ 10	+ 26	+ 11	+ 195
Kent	+ 20	+ 8	0	− 1	+ 5	+ 32
Sussex	− 4	− 1	0	+ 29	− 13	+ 11
State	+ 90	+ 81	+ 10	+ 54	+ 3	+ 238

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery-Miscellaneous





Pending at End of Year not included.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Court of Chancery

FISCAL YEAR 1990 ESTATES – CASELOAD SUMMARY

	Pending 6/30/89	Opened	Closed	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	*1,782	1,332	1,276	1,838	+ 56	+ 3.1%
Kent	1,139	312	316	1,135	– 4	– 0.4%
Sussex	674	504	446	732	+ 58	+ 8.6%
State	*3,595	2,148	2,038	3,705	+ 110	+ 3.1%

COMPARISON – FISCAL YEARS 1989-1990 ESTATES – CASELOAD

OPENED

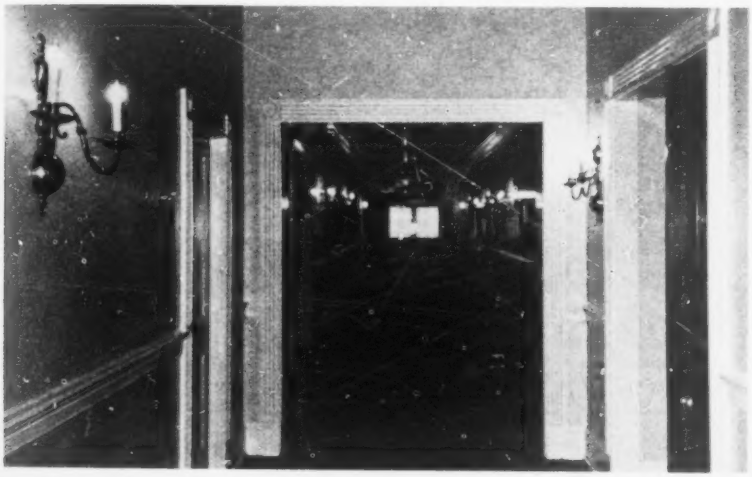
	1989	1990	Change	% Change
New Castle	*1,404	1,332	– 72	– 5.1%
Kent	328	312	– 16	– 4.9%
Sussex	470	504	+ 34	+ 7.2%
State	*2,202	2,148	– 54	– 2.5%

CLOSED

	1989	1990	Change	% Change
New Castle	1,120	1,276	+ 156	+ 13.9%
Kent	419	316	– 103	– 24.6%
Sussex	455	446	– 9	– 2.0%
State	1,994	2,038	+ 44	+ 2.2%

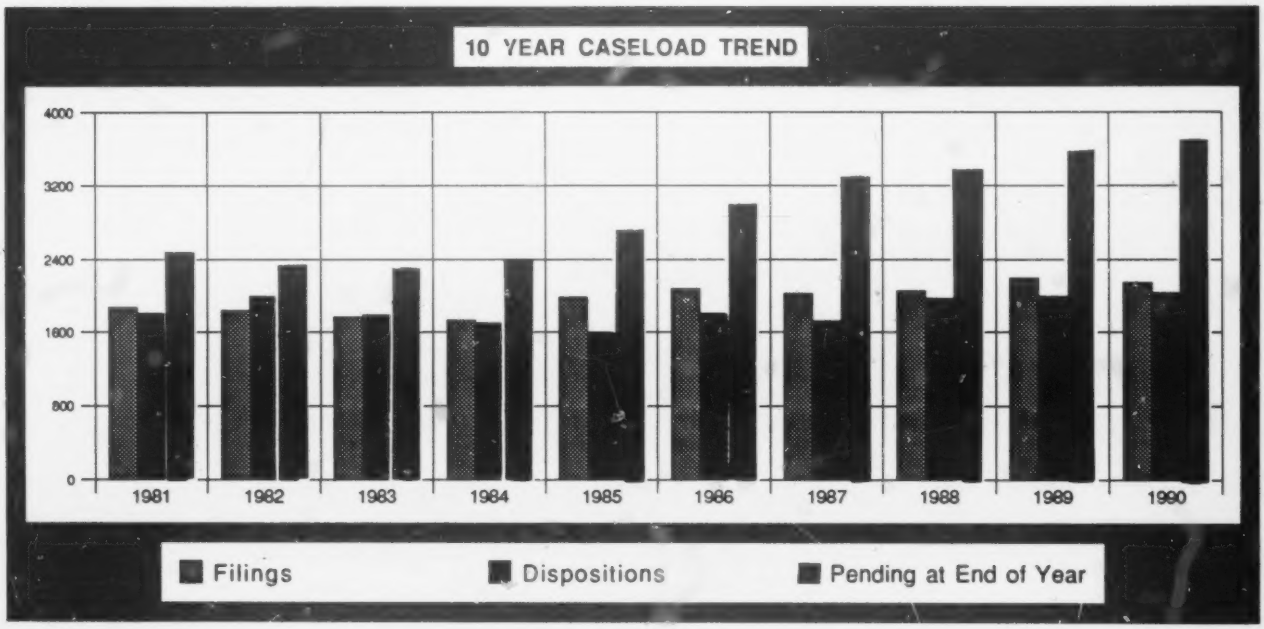
* Amended from 1989 Annual Report.

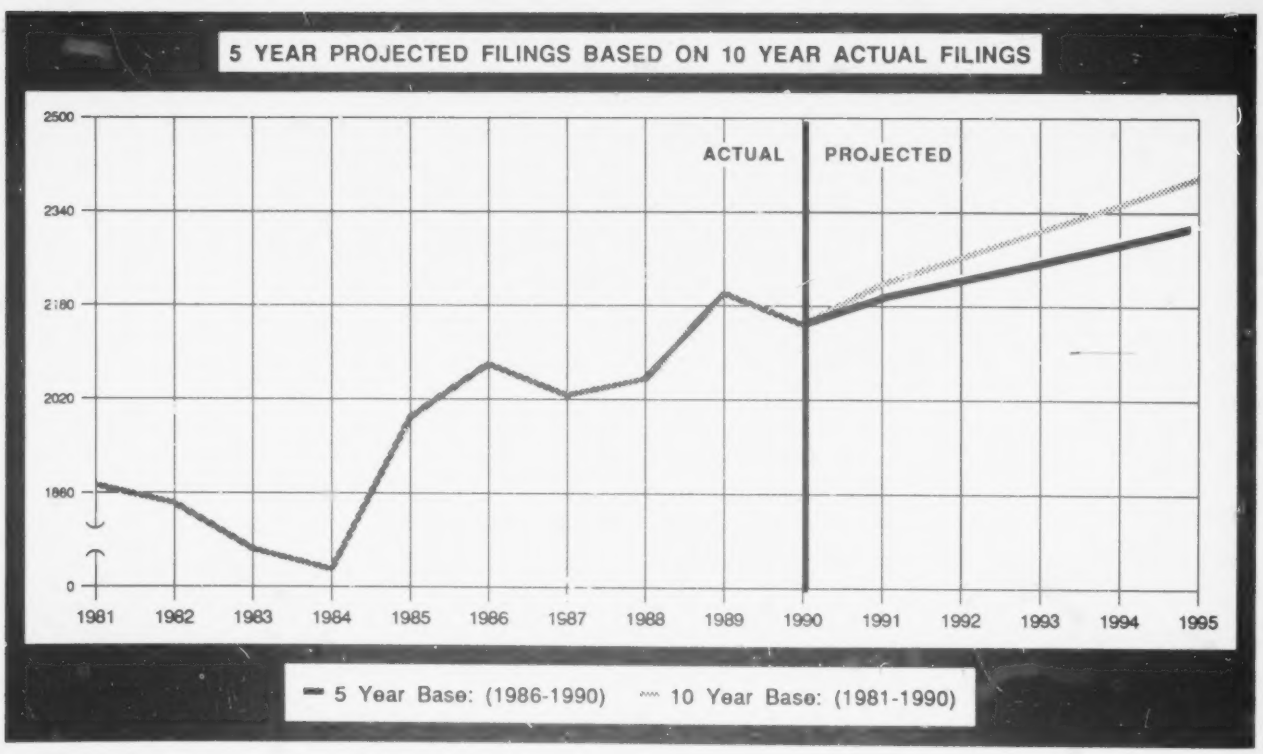
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts



Court of Chancery area of the Sussex County Courthouse.

Court of Chancery – Estates



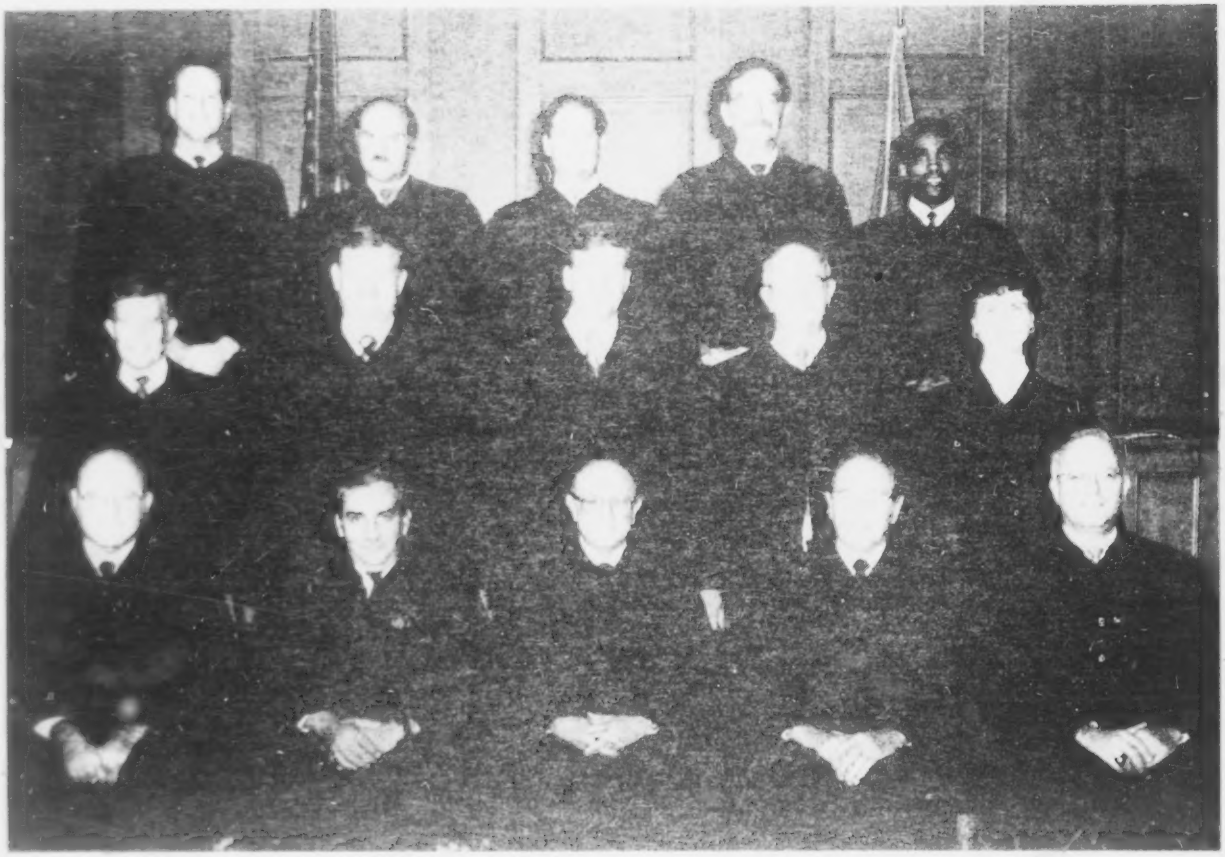


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Superior Court

President Judge Albert J. Stiftel
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Resident Judge Henry duPont Ridgely
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Associate Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Tolliver, IV



Superior Court

Legal Authorization

The *Constitution of Delaware,* Article IV, Section I, created the Superior Court.

Court History

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts which represent today's Superior Court jurisdiction go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two Courts.

In 1951 the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed President Judge. There were five Superior Court judges in 1951; there are fifteen today.

Geographic Organization

Sessions of Superior Court are held in each of the three counties at the county seat.

Legal Jurisdiction

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters, which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander and contract claims. The Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics liens, condemnations, and appeals related to landlord-tenant disputes and appeals from the Automobile Arbitration Board. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana cases).

Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware State Hospital. The Court serves as an intermediate appellate court, hearing appeals on the record from the Court of Common Pleas, Family Court (adult criminal), and more than 50 administrative agencies including the Industrial Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Alderman's Courts, Justice of the Peace Courts, and Municipal Court are heard on trials de novo (second trials) in Superior Court. Appeals from Superior Court are argued on the record before the Supreme Court.

Judges

Number: There may be fifteen judges appointed to the Superior Court bench. One of the fifteen Judges is appointed President Judge with administrative responsibility for the Court, and three are appointed as Resident Judges and must reside in the county in which they are appointed. No more than a bare majority of the Judges may be of one political party; the rest must be of the other major political party.

Appointment: Superior Court Judges are nominated by the Governor and confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: The Judges must be learned in the law.

Support Personnel

Superior Court may appoint court reporters, law clerks, bailiffs, pre-sentence officers, a secretary for each judge and other personnel.

An elected Prothonotary for each county serves as Clerk of the Superior Court for that county. The Prothonotary is the record keeper for the Superior Court and is directly involved with the daily operations of the Court. The Office handles the jury list, property liens, registration of law students and attorneys, and is the custodian of costs and fees for the Court and for the Attorney General. It issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary public where applicable, issues certificates of election to elected

Superior Court

officials, issues commitments to the State Hospital and collects and distributes restitution monies as ordered by the Court in addition to numerous other duties. It is also charged with the security, care and custody of Court's exhibits.

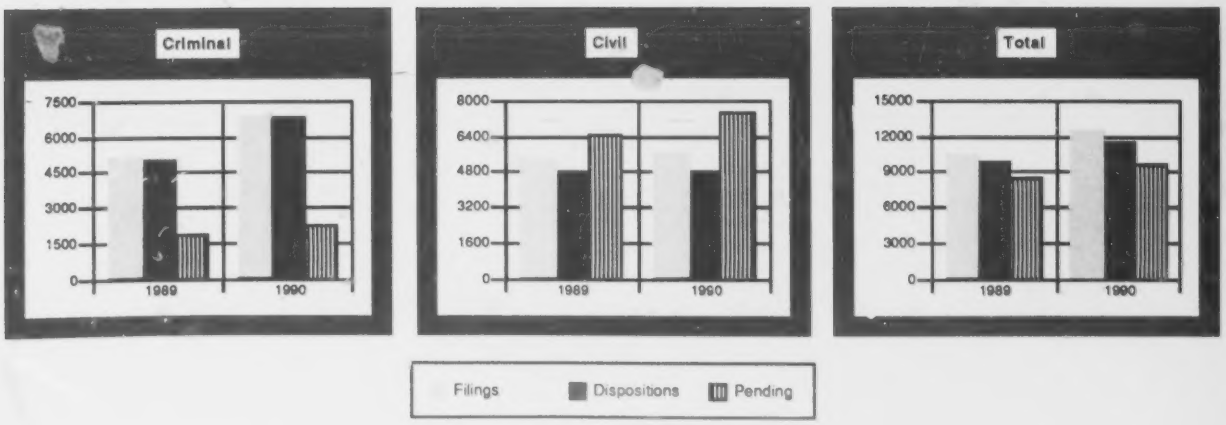
Elected Sheriffs, one per county, also serve Superior Court.

Caseload Trend

Criminal filings rose by 32.8% to 6,833 in FY 1990 from 5,147 in FY1989 (Criminal filings in Superior Court have grown by 57% in the last two years, primarily as a result of drug cases). Criminal dispositions also increased sharply by 35.2% from 5,011 in FY 1989 to 6,775 in FY 1990. There was a rise of only 2.7% in criminal pending from an amended total of 2,186 at the end of FY 1989 to 2,244 at the end of FY 1990. The rate of compliance with the 120-day speedy trial directive improved to 58.2% in FY 1990 from 49.9% in FY 1989.

The number of civil filings rose by 6.1% to 5,644 in FY 1990 from 5,322 in FY 1989. There was a 3.8% drop in the number of civil dispositions from 4,882 in FY 1989 to 4,697 in FY 1990. This decline in civil dispositions is attributable to the diversion of increasing amounts of Court resources to handle the overwhelming number of criminal cases. The rise in civil filings along with the fall in civil dispositions led to a 14.6% increase in civil pending from 6,504 at the end of FY 1989 to 7,451 at the end of FY 1990. A total of 973 civil actions went to a formal hearing conducted by a court appointed arbitrator.

As a result of the large rise in criminal filings, the number of total filings increased by 19.2% to 12,477 in FY 1990, from 10,469 in FY 1989. The rise in criminal dispositions had a similiar effect with total dispositions being up by 16.0% from 9,893 in FY 1989 to 11,472 in FY 1990. There was an increase of 11.6% in total pending from an amended total of 8,690 at the end of FY 1989 to 9,695 at the end of FY 1990.



Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD SUMMARY

Number of Defendants

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle	*1,620	5,006	5,029	1,597	– 23	– 1.4%
Kent	388	909	966	331	– 57	– 14.7%
Sussex	178	918	780	316	+ 138	+ 77.5%
State	*2,186	6,833	6,775	2,244	+ 58	+ 2.7%

COMPARISON – FISCAL YEARS 1989-1990 CRIMINAL CASES – CASELOAD

FILINGS

Number of Defendants

	1989	1990	Change	% Change
New Castle	3,662	5,006	+ 1,344	+ 36.7%
Kent	835	909	+ 74	+ 8.9%
Sussex	650	918	+ 268	+ 41.2%
State	5,147	6,833	+ 1,686	+ 32.8%

COMPARISON – FISCAL YEARS 1989-1990 CRIMINAL CASES – CASELOAD

DISPOSITIONS

Number of Defendants

	1989	1990	Change	% Change
New Castle	3,570	5,029	+ 1,459	+ 40.9%
Kent	787	966	+ 179	+ 22.7%
Sussex	654	780	+ 126	+ 19.3%
State	5,011	6,775	+ 1,764	+ 35.2%

* Amended from 1989 Annual Report.

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD
EXPLANATORY NOTES

1. The unit of count in Superior Court criminal cases is the defendant. A defendant is defined as an individual named in an indictment, so that an individual named in 3 indictments is counted as 3 defendants. An individual with a consecutively-numbered series of informations, appeals, or transfers filed on the same day is counted as one defendant.

2. Informations are filed if defendants waive indictment.

3. Transfers are defendants brought before the Court of Common Pleas in New Castle County who request jury trials. Since the Court of Common Pleas in Kent and Sussex Counties itself holds jury trials, there are no transfers in either of those counties.

4. Reinstatements represent defendants who have had their cases disposed of who are brought back before Superior Court for one of the following reasons:
   - Mistrial
   - Hung jury
   - Motion for new trial granted
   - Guilty plea withdrawn
   - Lower court appeal reinstated after being dismissed
   - Conviction overturned by Supreme Court; remanded to Superior Court for new trial.

5. Severances are defendants indicted on multiple charges whose charges are severed to be tried separately.

6. Trial dispositions refer to the number of defendants whose charges were disposed of at a trial rather than the number of trials. The date of disposition is the trial date. Should the decision be reserved, it will be the date when the opinion is handed down.

7. A defendant is counted as being disposed of by nolle prosequi only if all charges in an indictment or information or all charges transferred or appealed simultaneously are dropped. For example, if a defendant pleads guilty to one charge in an indictment, and other charges in the same indictment are then nol-prossed, that defendant is considered to have been disposed of by guilty plea on the date of the plea.

8. Defendants are not counted as disposed of by nolle prosequi if the nolle prosequi was filed to an original charge because the defendant entered a guilty plea to a new information. The new information is a further action in an existing case and is not counted as a separate filing, so the nolle prosequi is not the primary disposition.

9. Only nolle prosequis filed for defendants who were actually brought before Superior Court by indictment, information, appeal, transfer, reinstatement, or severance are counted in the total number of Superior Court dispositions. Nolle prosequis of unindicted defendants are listed separately because such defendants were never formally before the Superior Court.

10. Unindicted nolle prosequis are felony or drug defendants who were arrested and were bound over to Superior Court by a lower court either because probable cause was found or because the defendant waived preliminary hearing. The Attorney General then decided not to seek indictment or the grand jury ignored the indictment and a nolle prosequi was filed.

11. Remands are defendants who appealed or transferred their cases to Superior Court and had them remanded back to the lower court. ADRR's are cases in which an appeal to Superior Court has been dismissed with the record being remanded to the court from which it came. ADRR's and remands do not constitute the dispositions of all appeals that are filed; some are disposed of by trial de novo, plea, or nolle prosequi.

12. Participation in the First Offender Program is limited to defendants who are charged with driving under the influence or select drug possession charges and are first-time offenders. The defendants choose to enroll in a rehabilitation program and waive their right to a speedy trial in the process. The charge is dropped once the defendant satisfactorily completes the program and pays all fees.

13. A consolidation represents a single individual who is indicted separately on different charges but whose charges are consolidated to be tried together. Thus an individual indicted in January and again in February, and who is counted as two filings, will receive one trial disposition and one consolidation disposition if the charges are tried together.

ADRR= Appeal Dismissed, Record Remanded

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD BREAKDOWNS

FILINGS

Number of Defendants Brought to Superior Court By:

	Indictment		Information		Appeal		Transfer		Reinstatement		Severance		TOTALS	
New Castle	4,026	80.4%	371	7.4%	100	2.0%	508	10.1%	1	0.0%	0	0.0%	5,006	100.0%
Kent	814	89.5%	80	8.8%	12	1.3%	0	0.0%	2	0.2%	1	0.1%	909	100.0%
Sussex	199	21.7%	715	77.9%	4	0.4%	0	0.0%	0	0.0%	0	0.0%	918	100.0%
State	5,039	73.7%	1,166	17.1%	116	1.7%	508	7.4%	3	0.0%	1	0.0%	6,833	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

Number of Defendants Disposed of By:

	Trial		Guilty Plea		Nolle Prosequi*		Remand or Transfer		ADRR		Dismissal		First Offender		Cons.		TOTALS	
New Castle	239	4.8%	3,110	61.8%	1,561	31.0%	10	0.2%	11	0.2%	56	1.1%	42	0.8%	0	0.0%	5,029	100.0%
Kent	27	2.8%	747	77.3%	186	19.3%	0	0.0%	4	0.4%	0	0.0%	0	0.0%	2	0.2%	966	100.0%
Sussex	32	4.1%	586	75.1%	117	15.0%	11	1.4%	2	0.3%	5	0.6%	27	3.5%	0	0.0%	780	100.0%
State	298	4.4%	4,443	65.6%	1,864	27.5%	21	0.3%	17	0.3%	61	0.9%	69	1.0%	2	0.0%	6,775	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Defendants

	Triable		Non-Triable		TOTALS	
New Castle	1,328	83.2%	269	16.8%	1,597	100.0%
Kent	70	21.1%	261	78.9%	331	100.0%
Sussex	215	68.0%	101	32.0%	316	100.0%
State	1,613	71.9%	631	28.1%	2,244	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Defendants

	Triable	Non-Triable	TOTALS
New Castle	+ 203	– 226	– 23
Kent	– 7	– 50	– 57
Sussex	+ 56	+ 82	+ 138
State	+ 252	– 194	+ 58

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

*A special project in New Castle County to purge Superior Court's database of inactive cases led to a significant rise in criminal cases disposed of by nolle prosequi as a percentage of total criminal dispositions during FY 1990.

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART ONE

Number of Defendendents Disposed of by:

	Jury Trial		Non-Jury Trial		Totals		Guilty		Not Guilty*		No Final Disposition**		Totals	
New Castle	186	77.8%	53	22.2%	239	100.0%	193	80.8%	32	13.4%	14	5.9%	239	100.0%
Kent	26	96.3%	1	3.7%	27	100.0%	17	63.0%	10	37.0%	0	0.0%	27	100.0%
Sussex	27	84.4%	5	15.6%	32	100.0%	24	75.0%	6	18.8%	2	6.3%	32	100.0%
State	239	80.2%	59	19.8%	298	100.0%	234	78.5%	48	16.1%	16	5.4%	298	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART TWO

Number of Defendents Disposed of by:

	Jury Trial							Non Jury Trial						
	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	Nol Pros/ Dismissed At Trial	Mistrial	Hung Jury	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	Nol Pros/ Dismissed At Trial	Mistrial	TOTALS
New Castle	133	0	30	8	1	11	3	51	0	1	1	0	0	239
Kent	14	3	8	0	1	0	0	0	0	1	0	0	0	27
Sussex	20	1	4	0	0	2	0	3	0	1	0	1	0	32
State	167	4	42	8	2	13	3	54	0	3	1	1	0	298

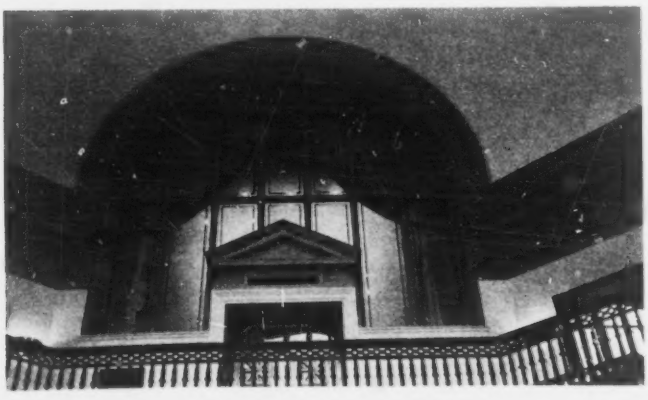
LIO = Lesser Included Offense

Nol Pros = Nolle Prosequi

*Includes Dismissals at Trial and Nolle Prosequis at Trial

**Hung Juries and Mistrials

Source=Superior Court Case Scheduling Office, Administrative Office of the Court.



Exterior of Superior Court Courtroom #301 — Public Building.

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – FELONY

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	845	45.2%	924	49.4%	32	1.7%	70	3.7%	1,871	100.0%
Kent	186	70.7%	53	20.2%	2	0.8%	22	8.4%	263	100.0%
Sussex	266	80.9%	63	19.1%	0	0.0%	0	0.0%	329	100.0%
State	1,297	52.7%	1,040	42.2%	34	1.4%	92	3.7%	2,463	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – MISDEMEANOR

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	955	77.1%	22	1.8%	152	12.3%	110	8.9%	1,239	100.0%
Kent	228	47.1%	190	39.3%	13	2.7%	53	11.0%	484	100.0%
Sussex	167	65.0%	90	35.0%	0	0.0%	0	0.0%	257	100.0%
State	1,350	68.2%	302	15.3%	165	8.3%	163	8.2%	1,980	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – TOTALS

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	1,800	57.9%	946	30.4%	184	5.9%	180	5.8%	3,110	100.0%
Kent	414	55.4%	243	32.5%	15	2.0%	75	10.0%	747	100.0%
Sussex	433	73.9%	153	26.1%	0	0.0%	0	0.0%	586	100.0%
State	2,647	59.6%	1,342	30.2%	199	4.5%	255	5.7%	4,443	100.0%

Explanatory Notes

1. Guilty plea dispositions do not include pleas made during trials. They are included in the trial disposition totals.
2. "PG-Original" includes defendents who pled guilty to all charges or to the major charge of a multi-count indictment, appeal, transfer or reinstatement.
3. "PG-Lesser" includes defendents who pled guilty to a lesser included offense of the most serious charge, a less serious charge of a multi-count indictment or other filings, or a lesser included offense of a less serious charge of a multi-count indictment or other filing.
4. "PG-NI" indicates that a defendent pled guilty to a new information – always a less serious charge than the original one.
5. "PG-Information" denotes a defendent who waived indictment and pled guilty to an information filed by the Attorney General.
6. A plea of nolo contendere is considered to be the equivalent of a guilty plea; e.g., a plea of nolo contendere to a lesser included offense is counted with PG-Lesser.

Source: Superior Court Case Scheduling Offense, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART ONE*

	Number of Defendants With Nolle Prosequis By Special Condition		Number of Defendants With Nolle Prosequis By Merit		Total Number of Defendants Disposed Of By Nolle Prosequi	
New Castle	867	55.5%	694	44.5%	1,561	100.0%
Kent	103	55.4%	83	44.6%	186	100.0%
Sussex	46	39.3%	71	60.7%	117	100.0%
State	1,016	54.5%	848	45.5%	1,864	100.0%

FISCAL YEAR 1990 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART TWO*

	New Castle County	Kent County	Sussex County	State
Number of Defendants with Nolle Prosequis by Special Condition				
Guilty of Other Charges, Different Indictment	149	21	18	188
Disposed of in Other Court	351	11	6	368
Reindicted	111	1	1	113
Placed on AG's Probation	60	42	11	113
Made Restitution	7	10	2	19
Placed in Custody of Other Jurisdiction	2	1	1	4
Indicted on Other Charges	153	1	2	156
Without Prejudice	4	15	2	21
Miscellaneous	30	1	3	34
Number of Defendants with Nolle Prosequis by Merit				
Codefendant Guilty	17	3	2	22
Police Problems	51	2	0	53
Defense Valid	11	0	0	11
Prosecutive Merit	216	55	8	279
Victim or Witness Availability/Deceased	52	9	5	66
Victim or Witness Attitude/Credibility	51	3	2	56
Related to Indictment	58	0	2	60
Insufficient Evidence	154	9	50	213
Due Process	31	0	0	31
Miscellaneous	53	2	2	57
TOTAL	1,561	186	117	1,864

*Nolle Prosequis for indicted defendants only.

AG = Attorney General

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

NEW CASTLE COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	6 – 0 – 1	3	2	0	0	0	0	0	12
Murder 2nd	1 – 0 – 0	3	0	0	0	0	0	0	4
Manslaughter	0 – 0 – 0	7	1	0	0	0	0	0	8
Attempted Murder 1st	2 – 1 – 0	0	7	0	0	0	0	0	10
Assault 1st	3 – 1 – 0	26	17	0	0	0	0	0	47
Assault 2nd	2 – 2 – 0	117	114	0	0	0	0	0	235
Sexual Intercourse1st/2nd	11 – 2 – 0	38	29	1	0	0	0	0	81
Sexual Intercourse 3rd; Sex. Pen.	3 – 0 – 0	29	13	0	0	0	0	0	45
Sexual Contact	0 – 0 – 0	37	11	0	0	0	0	0	48
Kidnapping 1st/2nd	1 – 0 – 0	4	12	0	0	0	0	0	17
Robbery 1st	8 – 0 – 0	56	21	0	0	0	0	0	85
Robbery 2nd	2 – 0 – 1	26	36	0	0	0	0	0	65
Drug Offenses									
Delivery	29 – 5 – 4	289	107	4	0	1	0	0	439
Possession w/Intent to Deliver	10 – 2 – 1	291	113	6	0	0	0	0	423
Possession NN Schedule 1	7 – 2 – 0	492	157	8	0	0	38	0	704
Other Drug Offenses	3 – 1 – 0	13	40	1	0	0	0	0	58
Remaining Indicted Offenses									
All Forgery	5 – 0 – 0	103	50	1	0	0	0	0	159
Theft/RSP/Burglary	16 – 5 – 1	710	312	6	0	0	0	0	1,050
Weapons Offenses	3 – 1 – 0	93	139	3	0	0	0	0	239
Other	6 – 0 – 2	261	147	1	0	0	0	0	417
Appeals and Transfers									
DUI/CUI	18 – 5 – 3	135	32	2	4	4	4	0	207
Other Traffic Offenses	9 – 1 – 1	238	71	8	4	3	0	0	335
Non-Traffic Offenses	48 – 4 – 0	139	130	15	3	2	0	0	341
TOTALS	193 –32 –14	3,110	1,561	56	11	10	42	0	5,029

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty (includes Pled Guilty at Trial)
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

KENT COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	1 – 3 – 0	0	2	0	0	0	0	0	6
Murder 2nd	0 – 0 – 0	2	0	0	0	0	0	0	2
Manslaughter	0 – 0 – 0	4	0	0	0	0	0	0	4
Attempted Murder 1st	0 – 0 – 0	0	0	0	0	0	0	0	0
Assault 1st	0 – 0 – 0	2	3	0	0	0	0	0	5
Assault 2nd	1 – 0 – 0	12	10	0	0	0	0	0	23
Sexual Intercourse1st/2nd	2 – 3 – 0	2	5	0	0	0	0	0	12
Sexual Intercourse 3rd; Sex. Pen.	1 – 0 – 0	10	2	0	0	0	0	0	13
Sexual Contact	0 – 0 – 0	19	3	0	0	0	0	0	22
Kidnapping 1st/2nd	0 – 0 – 0	2	0	0	0	0	0	0	2
Robbery 1st	0 – 0 – 0	5	2	0	0	0	0	0	7
Robbery 2nd	1 – 1 – 0	6	0	0	0	0	0	0	8
Drug Offenses									
Delivery	6 – 1 – 0	35	14	0	0	0	0	0	56
Possession w/Intent to Deliver	2 – 0 – 0	24	10	0	0	0	0	0	36
Possession NN Schedule 1	2 – 0 – 0	125	13	0	0	0	0	0	140
Other Drug Offenses	0 – 0 – 0	40	20	0	0	0	0	1	61
Remaining Indicted Offenses									
All Forgery	0 – 0 – 0	38	10	0	0	0	0	0	48
Theft/RSP/Burglary	0 – 0 – 0	166	62	0	0	0	0	1	229
Weapons Offenses	0 – 0 – 0	36	8	0	0	0	0	0	44
Other	1 – 1 – 0	160	21	0	3	0	0	0	186
Appeals and Transfers									
DUI/CUI	0 – 0 – 0	13	0	0	0	0	0	0	13
Other Traffic Offenses	0 – 1 – 0	42	1	0	1	0	0	0	45
Non-Traffic Offenses	0 – 0 – 0	4	0	0	0	0	0	0	4
TOTALS	17 – 10 – 0	747	186	0	4	0	0	2	966

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence.
G = Guilty (includes Pled Guilty at Trial)
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

SUSSEX COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	1 – 0 – 0	0	0	0	0	0	0	0	1
Murder 2nd	0 – 0 – 0	0	0	0	0	0	0	0	0
Manslaughter	0 – 0 – 0	0	0	0	0	0	0	0	0
Attempted Murder 1st	1 – 0 – 0	2	0	0	0	1	0	0	4
Assault 1st	1 – 0 – 0	7	1	0	0	0	0	0	9
Assault 2nd	2 – 1 – 0	33	4	1	0	0	0	0	41
Sexual Intercourse1st/2nd	5 – 0 – 0	14	0	0	0	0	0	0	19
Sexual Intercourse 3rd; Sex. Pen.	1 – 2 – 2	15	3	0	0	0	0	0	23
Sexual Contact	1 – 0 – 0	13	4	1	0	0	0	0	19
Kidnapping 1st/2nd	0 – 0 – 0	1	0	0	0	0	0	0	1
Robbery 1st	3 – 0 – 0	12	0	0	0	0	0	0	15
Robbery 2nd	0 – 0 – 0	11	0	0	0	0	0	0	11
Drug Offenses									
Delivery	0 – 0 – 0	26	8	0	0	0	3	0	37
Possession w/Intent to Deliver	1 – 0 – 0	14	8	0	0	0	4	0	27
Possession NN Schedule 1	1 – 0 – 0	44	9	1	0	0	12	0	67
Other Drug Offenses	0 – 0 – 0	31	7	0	0	0	0	0	38
Remaining Indicted Offenses									
All Forgery	0 – 1 – 0	31	5	0	0	0	0	0	37
Theft/RSP/Burglary	2 – 0 – 0	182	48	2	0	2	0	0	236
Weapons Offenses	2 – 0 – 0	25	7	0	0	0	0	0	34
Other	1 – 1 – 0	88	6	0	0	4	0	0	100
Appeals and Transfers									
DUI/CUI	1 – 1 – 0	17	4	0	1	3	8	0	35
Other Traffic Offenses	1 – 0 – 0	19	2	0	1	1	0	0	24
Non-Traffic Offenses	0 – 0 – 0	1	1	0	0	0	0	0	2
TOTALS	24 – 6 – 2	586	117	5	2	11	27	0	780

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty (includes Pled Guilty at Trial)
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial)
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

FISCAL YEAR 1990 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

STATE

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offende	Cons.	TOTALS
Crimes of Violence									
Murder 1st	8 – 3 – 1	3	4	0	0	0	0	0	19
Murder 2nd	1 – 0 – 0	5	0	0	0	0	0	0	6
Manslaughter	0 – 0 – 0	11	1	0	0	0	0	0	12
Attempted Murder 1st	3 – 1 – 0	2	7	0	0	1	0	0	14
Assault 1st	4 – 1 – 0	35	21	0	0	0	0	0	61
Assault 2nd	5 – 3 – 0	162	128	1	0	0	0	0	299
Sexual Intercourse1st/2nd	18 – 5 – 0	54	34	1	0	0	0	0	112
Sexual Intercourse 3rd; Sex. Pen.	5 – 2 – 2	54	18	0	0	0	0	0	81
Sexual Contact	1 – 0 – 0	69	18	1	0	0	0	0	89
Kidnapping 1st/2nd	1 – 0 – 0	7	12	0	0	0	0	0	20
Robbery 1st	11 – 0 – 0	73	23	0	0	0	0	0	107
Robbery 2nd	3 – 1 – 1	43	36	0	0	0	0	0	84
Drug Offenses									
Delivery	35 – 6 – 4	350	129	4	0	1	3	0	532
Possession w/Intent to Deliver	13 – 2 – 1	329	131	6	0	0	4	0	486
Possession NN Schedule 1	10 – 2 – 0	661	179	9	0	0	50	0	911
Other Drug Offenses	3 – 1 – 0	84	67	1	0	0	0	1	157
Remaining Indicted Offenses									
All Forgery	5 – 1 – 0	172	65	1	0	0	0	0	244
Theft/RSP/Burglary	18 – 5 – 1	1,058	422	8	0	2	0	1	1,515
Weapons Offenses	5 – 1 – 0	154	154	3	0	0	0	0	317
Other	8 – 2 – 2	509	174	1	3	4	0	0	703
Appeals and Transfers									
DUI/CUI	19 – 6 – 3	165	36	2	5	7	12	0	255
Other Traffic Offenses	10 – 2 – 1	299	74	8	6	4	0	0	404
Non-Traffic Offenses	48 – 4 – 0	144	131	15	3	2	0	0	347
TOTALS	234 –48 –16	4,443	1,864	61	17	21	69	2	6,775

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence.
G = Guilty (includes Pled Guilty at Trial).
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – TRIAL CALENDAR ACTIVITY

	Total Number of Defendants Scheduled	Number of Defendants Rescheduled	Percentage of Defendants Rescheduled	Rescheduled at Defense Request		Rescheduled at Prosecution Request		Rescheduled at Mutual Request		Rescheduled at Court Request	
New Castle	4,584	2,039	44.5%	1,211	59.4%	305	15.0%	248	12.2%	275	13.5%
Kent	664	281	42.3%	52	18.5%	29	10.3%	136	48.4%	64	22.8%
Sussex	693	369	53.2%	164	44.4%	104	28.2%	24	6.5%	77	20.9%
State	5,941	2,689	45.3%	1,427	53.1%	438	16.3%	408	15.2%	416	15.5%

COMPARISON – FISCAL YEARS 1989-1990 – CALENDAR ACTIVITY

SCHEDULED

Number of Defendants

	1989	1990	Change	% Change
New Castle	2,537	4,584	+ 2,047	+ 80.7%
Kent	562	664	+ 102	+ 18.1%
Sussex	575	693	+ 118	+ 20.5%
State	3,674	5,941	+ 2,267	+ 61.7%

COMPARISON – FISCAL YEARS 1989-1990 – CALENDAR ACTIVITY

RESCHEDULED

Number of Defendants

	1989	1990	Change	% Change
New Castle	1,032	2,039	+ 1,007	+ 97.6%
Kent	236	281	+ 45	+ 19.1%
Sussex	272	369	+ 97	+ 35.7%
State	1,540	2,689	+ 1,149	+ 74.6%

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 CRIMINAL CASES – PERFORMANCE SUMMARY

	Total Number of Defendants Disposed of	Average Time from Arrest to Disposition	Median Time from Arrest to Disposition*	Average Time from Indictment/Information to Disposition#	Median Time from Indictment/Information to Disposition*#
New Castle	5,029	139.1 days	113.0 days	114.4 days	83.6 days
Kent	966	106.8 days	93.0 days	44.7 days	24.5 days
Sussex	780	134.9 days	95.7 days	97.7 days	67.8 days
State	6,775	134.0 days	108.2 days	102.5 days	73.4 days

FISCAL YEAR 1990 CRIMINAL CASES – PERFORMANCE SUMMARY

COMPLIANCE WITH 120-DAY SPEEDY TRIAL MANDATE

	Number of Defendants Disposed of Within 120 Days of Arrest		Number of Defendants Disposed of 121 Days or More After Arrest		Total Number of Defendants Disposed of	
New Castle	2,795	55.6%	2,234	44.4%	5,029	100.0%
Kent	679	70.3%	287	29.7%	966	100.0%
Sussex	467	59.9%	313	40.1%	780	100.0%
State	3,941	58.2%	2,834	41.8%	6,775	100.0%

FISCAL YEAR 1990 CRIMINAL CASES PERFORMANCE EXPLANATORY NOTES

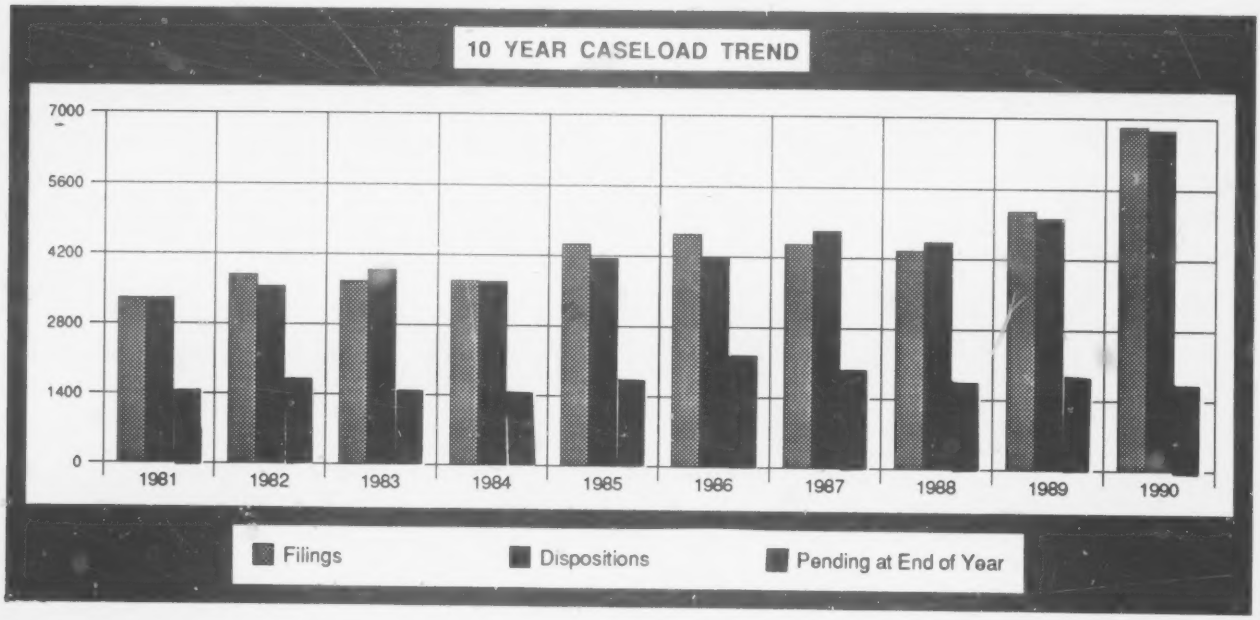
1. The Speedy Trial Directive of Chief Justice Andrew D. Christie, effective May 16, 1990, states that 90% of all criminal defendants brought before Superior Court (except murder in the first degree cases) should be disposed of within 120 days of arrest.
2. The charts measure the average and median time intervals between arrest and disposition, and the average and median time intervals between indictment/information and disposition. Subtracting the figures for indictment/information to disposition from the figures for arrest to disposition would not determine the time from arrest to indictment/information exactly. This is because there may be a different number of cases being counted in the different categories (i.e., unindicted nolle prosequis).
3. In measuring the elapsed time of defendants for the purposes of computing compliance with speedy trial directives or average elapsed time, Superior Court excludes the following time intervals:
   a. For all capiases, the time between the date the capias is issued and the date the capias is executed.
   b. For all Rule 9 Summonses and Rule 9 Warrants, the time between arrest and indictment/information, if any.
   c. For all nolle prosequis, the time between the scheduled trial date and the actual filing date of the nolle prosequi.
   d. For all mental examinations, the time between the date the examination is ordered and the receipt date for the results.
   e. For all defendants deemed incompetent to stand trial, the period in which the defendants remain incompetent.

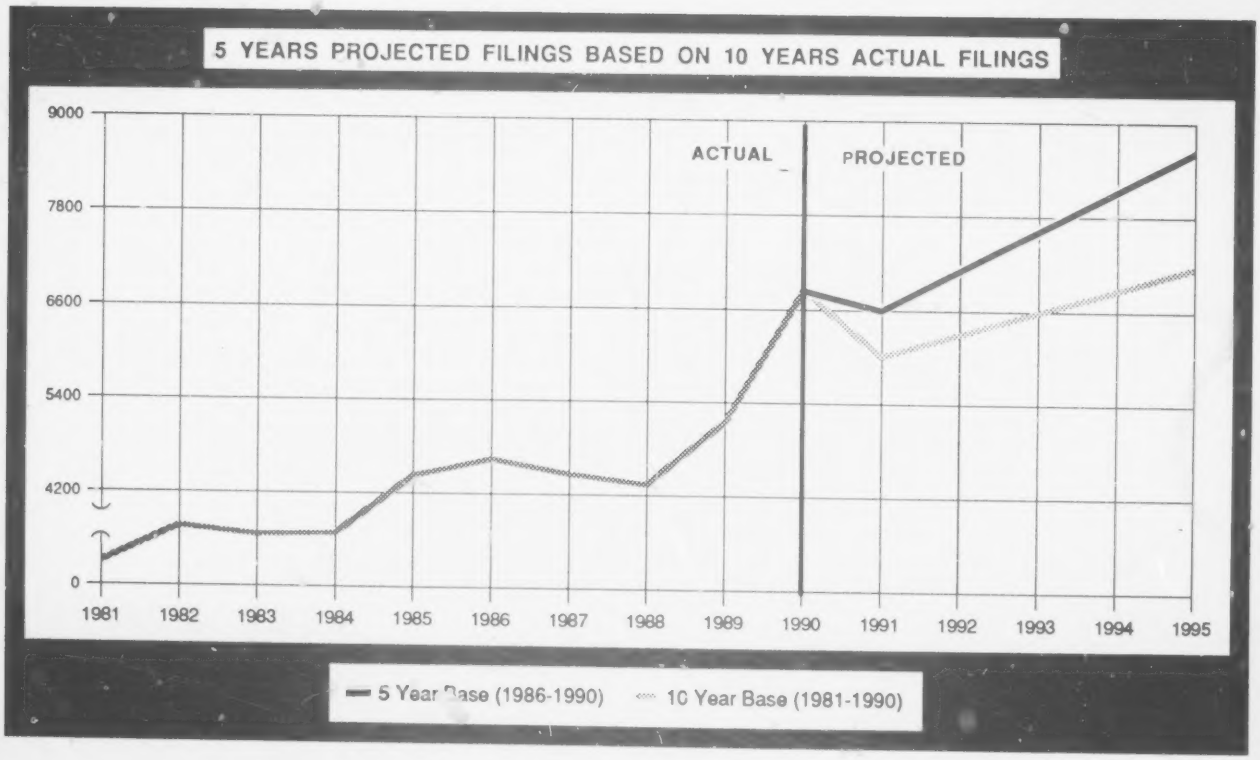
*Calculated using grouped medians method

#Includes only defendants brought to Superior Court by indictment or information

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court — Criminal





Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 PRESENTENCE OFFICE – CASELOAD SUMMARY

	Pending* 6/30/89	Investigations Ordered	Investigations** Completed	Pending* 6/30/90	Change in Pending	% Change in Pending
New Castle	297	1,164	1,129	299	+ 2	+ 0.7%
Kent***	70	91	91	22	– 48	– 68.6%
Sussex***	19	75	73	22	+ 3	+ 15.8%
State	386	1,330	1,293	343	– 43	– 11.1%

COMPARISON – FISCAL YEARS 1989-1990 PRESENTENCE OFFICE – CASELOAD

INVESTIGATIONS ORDERED

	1989	1990	Change	% Change
New Castle	1,158	1,164	+ 6	+ 0.5%
Kent***	307	91	– 216	– 70.4%
Sussex***	97	75	– 22	– 22.7%
State	1,562	1,330	– 232	– 14.9%

COMPARISON – FISCAL YEARS 1989-1990 PRESENTENCE OFFICE – CASELOAD

INVESTIGATIONS COMPLETED**

	1989	1990	Change	% Change
New Castle	1,156	1,129	– 27	– 2.3%
Kent***	355	91	– 264	– 74.4%
Sussex***	94	73	– 21	– 22.3%
State	1,605	1,293	– 312	– 19.4%

*A pending investigation is one which has been ordered but has not yet been written and typed or otherwise closed (i.e., deceased defendant, motion for new trial granted, etc.).

**An investigation is completed when it has been both written and typed or has been otherwise closed (i.e., deceased defendant, motion for new trial granted, etc.).

***The Kent County and Sussex County Presentence Offices do investigations for both Superior Court and Court of Common Pleas. These figures reflect Superior Court investigations.

Source: Superior Court Presentence Offices: New Castle, Kent and Sussex Counties, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1990 PRESENTENCE OFFICE – SENTENCING

	Immediate Sentencings		Sentenced After Presentence Investigation		Total Sentencings	
New Castle	2,057	68.6%	942	31.4%	2,999	100.0%
Kent	641	87.1%	95	12.9%	736	100.0%
Sussex	518	87.6%	73	12.4%	591	100.0%
State	3,216	74.3%	1,110	25.7%	4,326	100.0%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

	IMMEDIATE SENTENCINGS				SENTENCED AFTER PRESENTENCE INVESTIGATION			
	1989	1990	Change	% Change	1989	1990	Change	% Change
New Castle	1,441	2,057	+ 616	+ 42.7%	1,065	942	– 123	– 11.5%
Kent	303	641	+ 338	+ 111.6%	369	95	– 274	– 74.3%
Sussex	443	518	+ 75	+ 16.9%	96	73	– 23	– 24.0%
State	2,187	3,216	+ 1,029	+ 47.1%	1,530	1,110	– 420	– 27.5%

FISCAL YEAR 1990 PRESENTENCE OFFICE – PERFORMANCE SUMMARY

	Number of Defendants Sentenced After Presentence Investigations	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced*
New Castle	942	34.0 days	5.4 days	39.4 days	49.2 days	88.6 days
Kent	95	20.6 days	5.1 days	25.7 days	58.3 days	84.0 days
Sussex	73	37.1 days	0.3 days	37.4 days	35.7 days	73.1 days
State	1,110	33.1 days	5.0 days	38.1 days	49.1 days	87.2 days

FISCAL YEAR 1990 PRESENTENCE OFFICE–PERFORMANCE BREAKDOWN

COMPLIANCE WITH 30-DAY STANDARD**

	Number of Investigations Completed Within 30 Days of Verdict		Number of Investigations Completed 31 Days or More After Verdict		Total Number of Investigations Completed	
New Castle	262	23.2%	867	76.8%	1,129	100.0%
Kent	64	70.3%	27	29.7%	91	100.0%
Sussex	24	32.9%	49	67.1%	73	100.0%
State	350	27.1%	943	72.9%	1,293	100.0%

*There were 3,216 sentencings done immediately after plea or verdict and for which there was no actual elapsed time. These figures are gross elapsed time for cases where a presentence investigation was ordered from the date the presentence investigation was ordered to the defendant's sentencing date. They include all delays due to capiases, continuances and motions. If these delays were excluded, the elapsed times for presentence investigations from the date ordered to the date sentenced would be as follows:

New Castle	63.8 days
Kent	56.9 days
Sussex	53.0 days
State	62.5 days

**The Speedy Trial Directive of former Chief Justice Daniel L. Herrmann includes a standard that the time from the Court's verdict to the completion of the presentence investigation should not exceed 30 days. A presentence investigation is considered to be completed once it has been written and typed or otherwise closed (i.e., motion granted, defendant deceased, etc.). The Speedy Trial Directive of Chief Justice Andrew D. Christie sets a 60-day limit for the time from the date of plea of verdict to the date of sentencing; compliance with this will be measured beginning with the 1991 Annual Report.

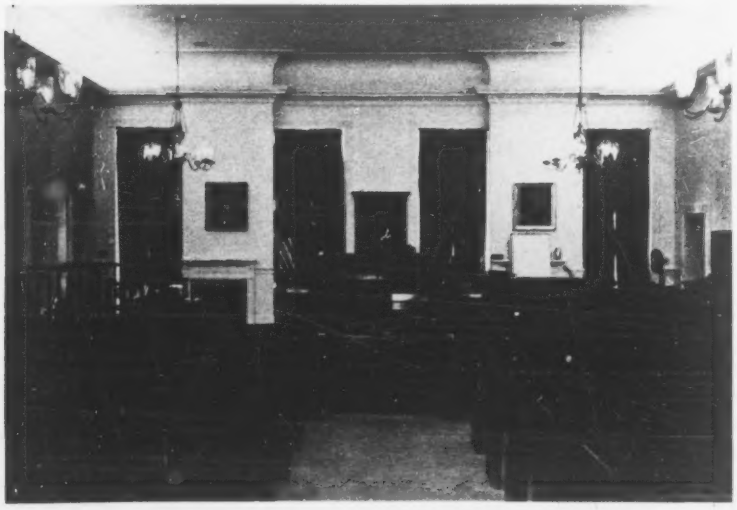
Source: New Castle County, Kent County, and Sussex County Presentence Offices; Administrative Office of the Courts

Superior Court

COMPARISON – FISCAL YEARS 1989-1990 PRESENTENCE OFFICE – PERFORMANCE

	1989	1990	Change	% Change
NEW CASTLE				
# of Defendants Sentenced After Presentence Investigations	1,065	942	– 123	– 11.5%
Average Time From Date Ordered to Date Written	50.1 days	34.0 days	– 16.1 days	– 32.1%
Average Time From Date Written to Date Typed	4.0 days	5.4 days	+ 1.4 days	+ 35.0%
Average Time From Date Ordered to Date Typed	54.0 days	39.4 days	– 14.6 days	– 27.0%
Average Time From Date Typed to Date Sentenced	50.2 days	49.2 days	– 1.0 days	– 2.0%
Average Time From Date Ordered to Date Sentenced	104.2 days	88.6 days	– 15.6 days	– 15.0%
KENT COUNTY*				
# of Defendants Sentenced After Presentence Investigations	369	95	– 274	– 74.3%
Average Time From Date Ordered to Date Written	31.7 days	20.6 days	– 11.1 days	– 35.0%
Average Time From Date Written to Date Typed	13.9 days	5.1 days	– 8.8 days	– 63.3%
Average Time From Date Ordered to Date Typed	45.6 days	25.7 days	– 19.9 days	– 43.6%
Average Time From Date Typed to Date Sentenced	25.0 days	58.3 days	+ 33.3 days	+ 133.2%
Average Time From Date Ordered to Date Sentenced	70.5 days	84.0 days	+ 13.5 days	+ 19.1%
SUSSEX COUNTY*				
# of Defendants Sentenced After Presentence Investigations	96	73	– 23	– 24.0%
Average Time From Date Ordered to Date Written	43.7 days	37.1 days	– 6.6 days	– 15.1%
Average Time From Date Written to Date Typed	0.5 days	0.3 days	– 0.2 days	– 40.0%
Average Time From Date Ordered to Date Typed	44.2 days	37.4 days	– 6.8 days	– 15.4%
Average Time From Date Typed to Date Sentenced	84.5 days	35.7 days	– 48.8 days	– 57.8%
Average Time From Date Ordered to Date Sentenced	128.8 days	73.1 days	– 55.7 days	– 43.2%
STATE*				
# of Defendants Sentenced After Presentence Investigations	1,530	1,110	– 420	– 27.5%
Average Time From Date Ordered to Date Written	45.3 days	33.1 days	– 12.2 days	– 27.0%
Average Time From Date Written to Date Typed	6.1 days	5.0 days	– 1.1 days	– 17.4%
Average Time From Date Ordered to Date Typed	51.4 days	38.1 days	– 13.3 days	– 25.9%
Average Time From Date Typed to Date Sentenced	46.3 days	49.1 days	+ 2.8 days	+ 6.0%
Average Time From Date Ordered to Date Sentenced	97.7 days	87.2 days	– 10.5 days	– 10.8%

*Kent County and Sussex County Presentence Offices also do investigations for the Court of Common Pleas. These figures are for Superior Court only.
Source: New Castle County, Kent County and Sussex County Presentence Offices; Administrative Office of the Courts.



Superior Court, Courtroom — Sussex County Courthouse.

Superior Court

FISCAL YEAR 1990 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle	4,900	4,350	3,773	5,477	+ 577	+ 11.8%
Kent	641	617	443	815	+ 174	+ 27.2%
Sussex	963	677	481	1,159	+ 196	+ 20.4%
State	6,504	5,644	4,697	7,451	+ 947	+ 14.6%

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

FILINGS

	1989	1990	Change	% Change
New Castle	4,130	4,350	+ 220	+ 5.3%
Kent	556	617	+ 61	+ 11.0%
Sussex	636	677	+ 41	+ 6.4%
State	5,322	5,644	+ 322	+ 6.1%

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

DISPOSITIONS

	1989	1990	Change	% Change
New Castle	3,942	3,773	– 169	– 4.3%
Kent	439	443	+ 4	+ 0.9%
Sussex	501	481	– 20	– 4.0%
State	4,882	4,697	– 185	– 3.8%

Source: New Castle County, Kent County, and Sussex County Prothonotaries, Administrative Office of the Courts

New Castle County Prothonotary's Office, Public Building

FISCAL YEAR 1990 CIVIL CASES
EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1990, activity in the Complaints category included Complaints for Damages, Condemnations, Ejectments, Appeals from Justice of the Peace Court and from arbitration panels, Declaratory Judgments, Foreign Judgments, Replevins, Foreign Attachments, Domestic Attachments, Interpleaders, Amicable Actions, Breach of Contract, Transfers and Removals from the Court of Chancery, Transfers and Removals from the Court of Common Pleas, and Debt Actions.
2. Mechanic's Liens and Mortgages are property suits.
3. Involuntary Commitments are proceedings held to determine whether individuals shall be involuntarily committed as mentally ill. Because Delaware State Hospital, the State's facility for mentally ill patients, is located in New Castle County, almost all Involuntary Commitment hearings are held in New Castle County.
4. Appeals are appeals on the record. This category includes appeals from administrative agencies, appeals from Family Court, appeals from the Court of Common Pleas and certioraris.
5. Miscellaneous includes all other cases. During FY 1990 this category included Complaints Requesting Order, Habeus Corpus, Mandamus, Writs of Prohibition, Petitions for Destruction of Indicia of Arrest, Petitions to Compel Satisfaction of Judgment, Petitions to Extend Judgment, Petitions for Bail Forfeitures, Petitions to Satisfy Mortgage, Petitions to Set Aside Mortgage, Petitions for Issuance of Subpoena, Petitions for Appointment of Attorney, Out of State Depositions, Petitions to Sell Real Estate for Property Taxes, Petitions for Return of Property, Petitions to Vacate Public Road, Tax Ditches, Rules to Show Cause, In Forma Pauperis Actions, Road Resolutions, Cease and Desist Orders, and Motions for Habitual Offenders.

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

FILINGS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	3,025	69.5%	456	10.5%	121	2.8%	386	8.9%	362	8.3%	4,350	100.0%
Kent	441	71.5%	94	15.2%	34	5.5%	0	0.0%	48	7.8%	617	100.0%
Sussex	394	58.2%	168	24.8%	43	6.4%	0	0.0%	72	10.6%	677	100.0%
State	3,860	68.4%	718	12.7%	198	3.5%	386	6.8%	482	8.5%	5,644	100.0%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	2,551	67.6%	358	9.5%	105	2.8%	371	9.8%	388	10.3%	3,773	100.0%
Kent	320	72.2%	68	15.4%	12	2.7%	0	0.0%	43	9.7%	443	100.0%
Sussex	288	59.9%	136	28.3%	38	7.9%	0	0.0%	19	4.0%	481	100.0%
State	3,159	67.3%	562	12.0%	155	3.3%	371	7.9%	450	9.6%	4,697	100.0%

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	4,653	85.0%	409	7.5%	159	2.9%	136	2.5%	120	2.2%	5,477	100.0%
Kent	628	77.1%	68	8.3%	95	11.7%	0	0.0%	24	2.9%	815	100.0%
Sussex	683	59.4%	243	21.0%	104	9.0%	0	0.0%	124	10.7%	1,159	100.0%
State	5,969	80.1%	720	9.7%	358	4.8%	136	1.8%	268	3.6%	7,451	100.0%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Mechanic's Liens and Mortgages	Appeals	Involuntary Commitments	Miscellaneous	TOTALS
New Castle	+ 474	+ 98	+ 16	+ 15	– 26	+ 577
Kent	+ 121	+ 26	+ 22	0	+ 5	+ 174
Sussex	+ 106	+ 32	+ 5	0	+ 53	+ 196
State	+ 701	+ 156	+ 43	+ 15	+ 32	+ 947

FISCAL YEAR 1990 CIVIL CASES – TYPES OF DISPOSITIONS

COMPLAINTS DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*												TOTALS	
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other			
New Castle	53	2.1%	33	1.3%	182	7.1%	291	11.4%	67	2.6%	1,653	64.8%	272	10.7%	0	0.0%	2,551	100.0%
Kent	4	1.3%	8	2.5%	22	6.9%	21	6.6%	2	0.6%	258	80.6%	5	1.6%	0	0.0%	320	100.0%
Sussex	4	1.4%	6	2.1%	45	15.6%	15	5.2%	4	1.4%	198	68.8%	16	5.6%	0	0.0%	288	100.0%
State	61	1.9%	47	1.5%	249	7.9%	327	10.4%	73	2.3%	2,109	68.8%	293	9.3%	0	0.0%	3,159	100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

FISCAL YEAR 1990 CIVIL CASES – TYPES OF DISPOSITIONS (cont'd.)

MECHANIC'S LIENS AND MORTGAGES DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*												TOTALS	
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other			
New Castle	2	0.6%	0	0.0%	195	54.5%	18	5.0%	5	1.4%	129	36.0%	9	2.5%	0	0.0%	358	100.0%
Kent	0	0.0%	0	0.0%	53	77.9%	3	4.4%	0	0.0%	12	17.7%	0	0.0%	0	0.0%	68	100.0%
Sussex	1	0.7%	0	0.0%	75	55.2%	4	2.9%	0	0.0%	55	40.4%	1	0.7%	0	0.0%	136	100.0%
State	3	0.5%	0	0.0%	323	57.5%	25	4.5%	5	0.9%	196	34.9%	10	1.8%	0	0.0%	562	100.0%

FISCAL YEAR 1990 CIVIL CASES – TYPES OF DISPOSITIONS

INVOLUNTARY COMMITMENTS DISPOSITIONS

	Dismissed-Voluntary Commitment		Dismissed-No Probable Cause		Dismissed-Released By Hospital		Dismissed-Defendant Deceased		TOTAL	
New Castle	208	56.1%	0	0.0%	163	43.9%	0	0.0%	371	100.0%

FISCAL YEAR 1990 CIVIL CASES – TYPES OF DISPOSITIONS

APPEALS DISPOSITIONS

	Affirmed		Reversed		Affirmed Part/ Reversed Part		Voluntarily Dismissed		Dismissed By Court		Remanded		TOTALS	
New Castle	42	40.0%	4	3.8%	0	0.0%	22	21.0%	20	19.1%	17	16.2%	105	100.0%
Kent	0	0.0%	0	0.0%	0	0.0%	11	91.7%	1	8.3%	0	0.0%	12	100.0%
Sussex	10	26.3%	4	10.5%	0	0.0%	14	36.8%	4	10.5%	6	15.8%	38	100.0%
State	52	33.6%	8	5.2%	0	0.0%	47	30.3%	25	16.1%	23	14.8%	155	100.0%

FISCAL YEAR 1990 CIVIL CASES – TYPES OF DISPOSITIONS

MISCELLANEOUS DISPOSITIONS

	Signed/Granted		Denied/Dismissed		Disposition Simultaneous With Filing		TOTALS	
New Castle	295	76.0%	92	23.7%	1	0.3%	388	100.0%
Kent	36	83.7%	7	16.3%	0	0.0%	43	100.0%
Sussex	19	100.0%	0	0.0%	0	0.0%	19	100.0%
State	350	77.8%	99	22.0%	1	0.2%	450	100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 CIVIL CASES – TRIALS

	Number of Jury Trials		Number of Non-Jury Trials		Number of Special Jury Trials		Total Number Of Trials	
New Castle	78	75.7%	24	23.3%	1	1.0%	103	100.0%
Kent	13	76.5%	4	23.5%	0	0.0%	17	100.0%
Sussex	8	47.1%	9	52.9%	0	0.0%	17	100.0%
State	99	72.3%	37	27.0%	1	0.7%	137	100.0%

FISCAL YEAR 1990 CIVIL CASES – CALENDAR ACTIVITY

	Cases Tried		Cases Settled or Dismissed		Cases Continued for Settlement		Cases Continued Due to Lack of Judge		Cases Continued at Request of Attorney		Total Cases Scheduled	
New Castle	103	11.4%	375	41.6%	31	3.4%	56	6.2%	337	37.4%	902	100.0%
Kent	17	12.4%	69	50.4%	6	4.4%	0	0.0%	45	32.8%	137	100.0%
Sussex	17	11.4%	46	30.9%	64	43.0%	0	0.0%	22	14.8%	149	100.0%
State	137	11.5%	490	41.3%	101	8.5%	56	4.7%	404	34.0%	1,188	100.0%

FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE SUMMARY

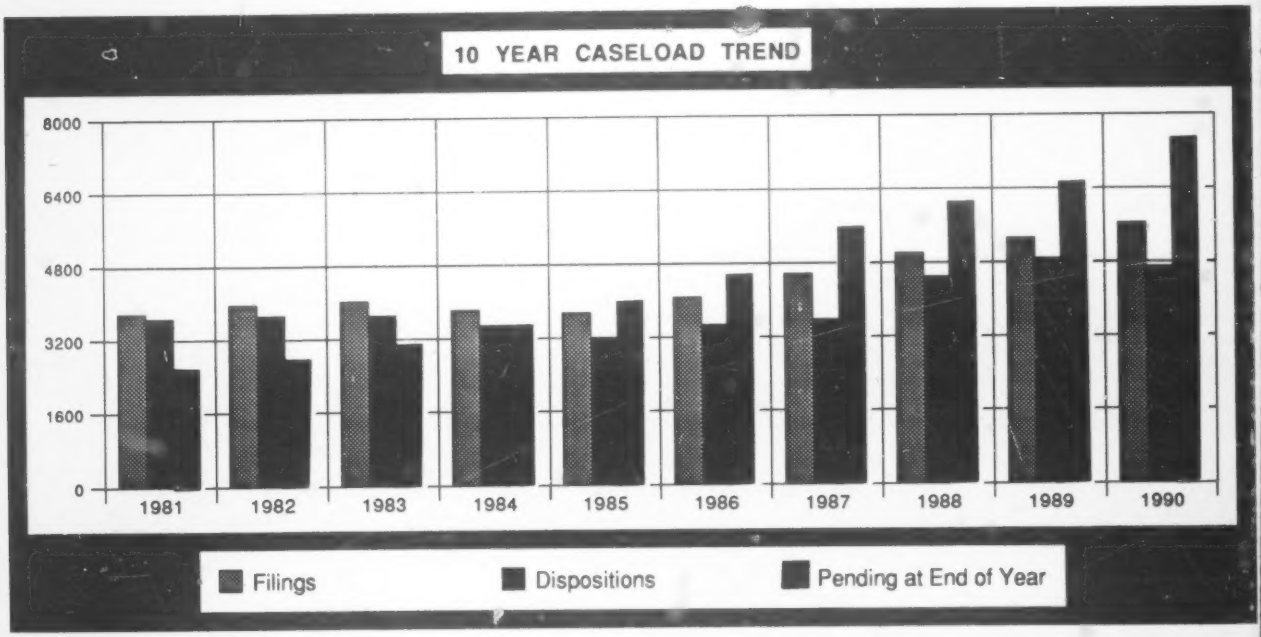
	COMPLAINTS		MECHANICS' LIENS AND MORTGAGES	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	2,551	514.3 days	358	175.4 days
Kent	320	488.7 days	68	141.7 days
Sussex	288	416.8 days	136	180.1 days
State	3,159	502.8 days	562	172.4 days

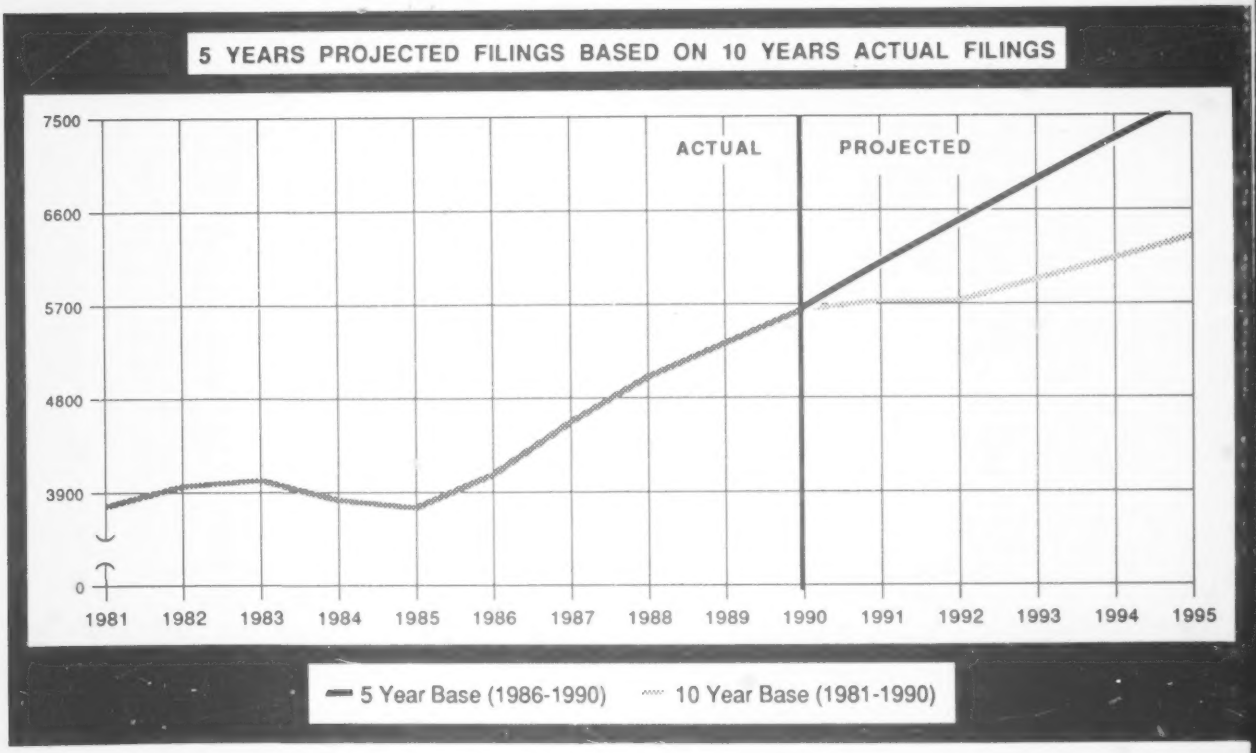
FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE SUMMARY

	APPEALS		INVOLUNTARY COMMITMENTS		MISCELLANEOUS	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	105	274.3 days	371	106.8 days	388	147.5 days
Kent	12	362.2 days	0	–	43	63.8 days
Sussex	38	521.7 days	0	–	19	50.1 days
State	155	341.7 days	371	106.8 days	450	135.4 days

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court — Civil





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	86	3.4%	281	11.0%	182	7.1%	1,653	64.8%	349	13.7%	2,551	100.0%
Kent	12	3.8%	Not Available		22	6.9%	258	80.6%	28	8.8%	320	100.0%
Sussex	10	3.5%	14	4.9%	46	16.0%	198	68.8%	20	6.9%	288	100.0%
State	108	3.4%	295*	9.3%	250	7.9%	2,109	66.8%	397	12.6%	3,159	100.0%

FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – ELAPSED TIME

AVERAGE TIME FROM FILING TO DISPOSITION

Cases Disposed of by:

	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	1,136.6 days	289.9 days	145.6 days	509.0 days	758.9 days	514.3 days
Kent	1,141.9 days	Not Available	113.5 days	502.3 days	378.0 days	488.7 days
Sussex	1,334.9 days	345.9 days	110.9 days	424.8 days	631.4 days	416.8 days
State	1,155.6 days	292.6 days*	136.4 days	500.3 days	725.6 days	502.8 days

FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES – METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	2	0.6%	9	2.5%	195	54.5%	129	36.0%	23	6.4%	358	100.0%
Kent	0	0.0%	Not Available		53	77.9%	12	17.7%	3	4.4%	68	100.0%
Sussex	1	0.7%	2	1.5%	75	55.2%	55	40.4%	3	2.2%	136	100.0%
State	3	0.5%	11*	2.0%	323	57.5%	196	34.9%	29	5.2%	562	100.0%

FISCAL YEAR 1990 CIVIL CASES – PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES – ELAPSED TIME

AVERAGE TIME FROM FILING TO DISPOSITION

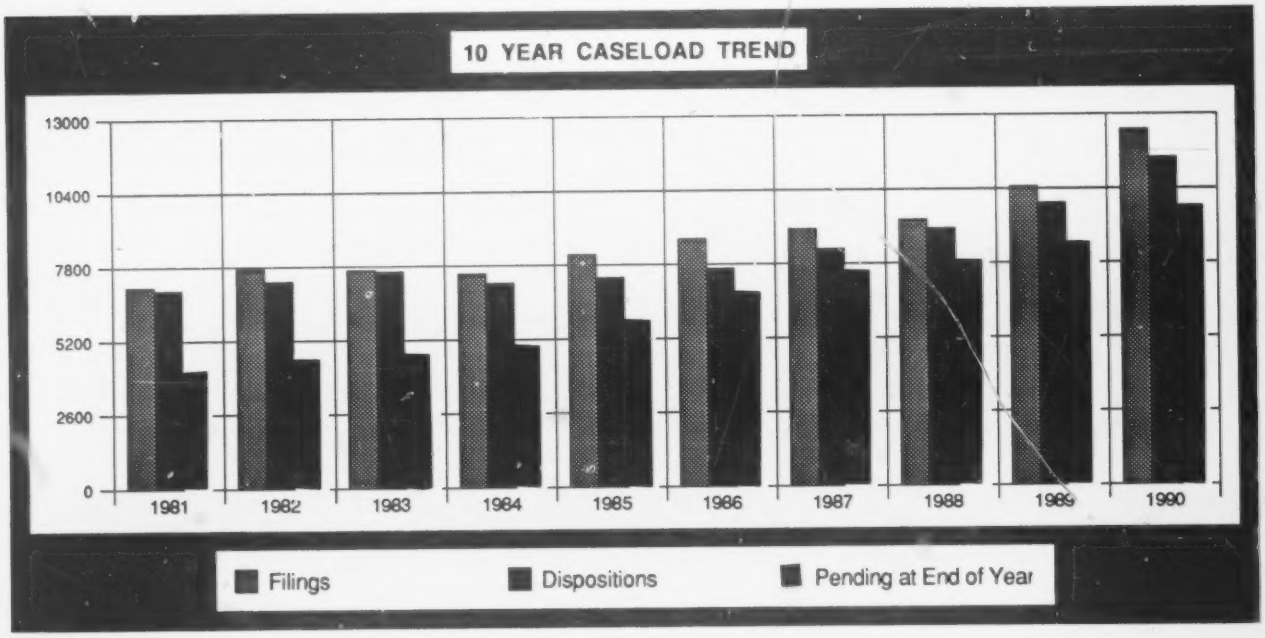
Cases Disposed of by:

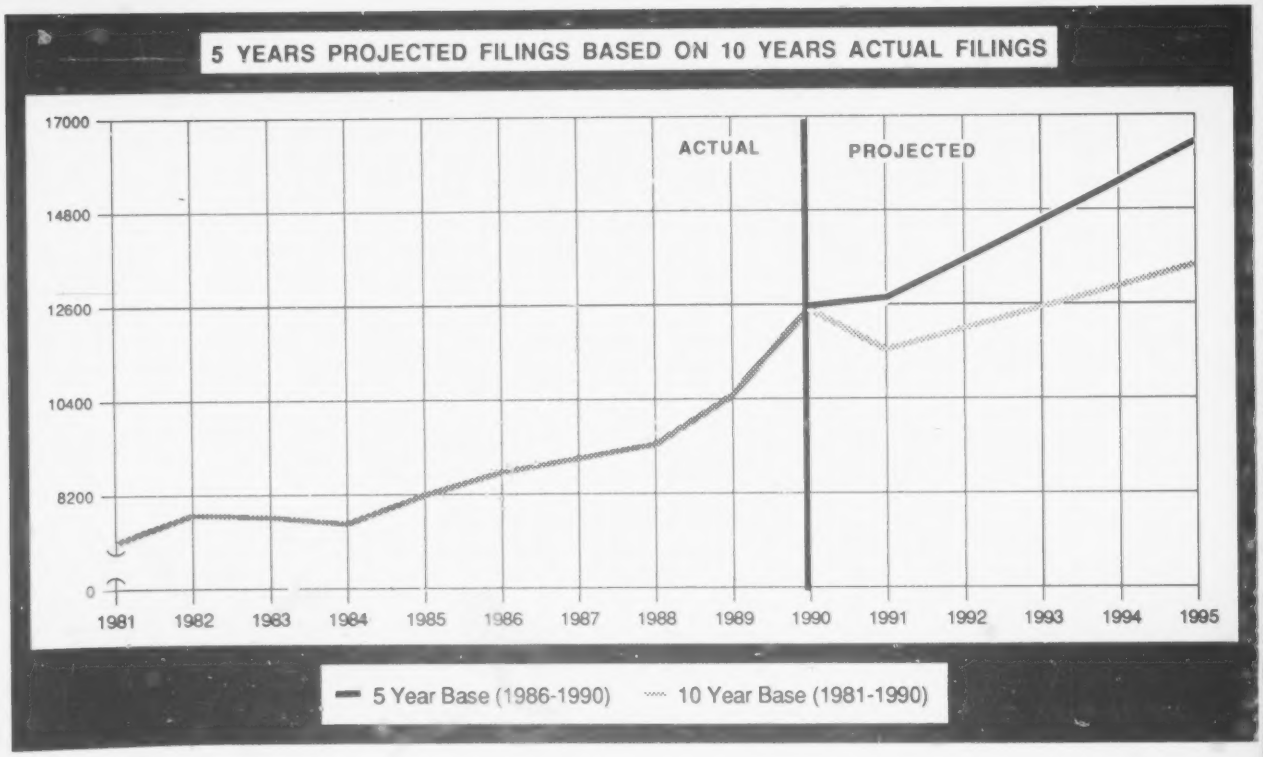
	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	1,078.5 days	293.6 days	107.1 days	229.4 days	325.8 days	175.4 days
Kent	– days	Not Available	102.9 days	323.1 days	101.0 days	141.7 days
Sussex	457.0 days	73.0 days	88.6 days	290.7 days	420.7 days	180.1 days
State	871.3 days	253.5 days*	102.1 days	252.3 days	312.4 days	172.4 days

*Does not include Kent County.

Source: New Castle County, Kent County and Sussex County Prothonotarys' Offices, Administrative Office of the Courts.

Superior Court — Total





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

FISCAL YEAR 1990 ARBITRATION
EXPLANATORY NOTES

1. Arbitration is compulsory for civil cases in which:
   a) Trial is available, and
   b) Monetary damages are sought, and
   c) Non-monetary damages are substantial, and
   d) Damages do not exceed $50,000.
2. The President Judge of Superior Court or his designee assigns each arbitration case to an arbitrator who is appointed pursuant to the following guidelines:
   a) The parties may request a specific arbitrator by joint agreement, or
   b) If the parties fail to mutually agree upon an arbitrator of their choice, the Court provides a list of three (3) alternative arbitrators for review by the parties. The plaintiff(s) and the defendant(s) may each strike one alternative arbitrator, and the Court appoints the arbitrator from the remaining alternative arbitrators.
3. The arbitrator's decision is to be in the form of a written order. The order is to become a judgment of the Court unless a trial de novo is requested. Any party may request a trial de novo before Superior Court within 20 days following the arbitrator's order.
4. The Arbitration Unit of the Superior Court prepares an annual report which reviews in greater detail the operation of the Superior Court arbitration program.

FISCAL YEAR 1990 ARBITRATION – CASELOAD SUMMARY

	Pending 6/30/89	Filings*	Dispositions	Pending 6/30/90	Change In Pending	% Change
New Castle	1,605	2,251	1,891	1,965	+ 360	+ 22.4%
Kent	237	314	266	285	+ 48	+ 20.3%
Sussex	247	371	322	296	+ 49	+ 19.8%
State	2,089	2,936	2,479	2,546	+ 457	+ 21.9%

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION – CASELOAD

FILINGS*

	1989	1990	Change	% Change
New Castle	2,197	2,251	+ 54	+ 2.5%
Kent	300	314	+ 14	+ 4.7%
Sussex	364	371	+ 7	+ 1.9%
State	2,861	2,936	+ 75	+ 2.6%

*Includes new arbitration cases, cases stipulated into arbitration, cases reactivated, and cases omitted previously

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION – CASELOAD (cont'd)

DISPOSITIONS***

	1989	1990	Change	% Change
New Castle	1,920	1,891	– 29	– 1.5%
Kent	222	266	+ 44	+ 19.8%
Sussex	315	322	+ 7	+ 2.2%
State	2,457	2,479	+ 22	+ 0.9%

FISCAL YEAR 1990 ARBITRATION – CASELOAD

FILINGS

Cases Eligible for Arbitration*

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,158	62.0%	1,323	38.0%	3,481	100.0%
Kent	307	57.4%	228	42.6%	535	100.0%
Sussex	368	65.5%	194	34.5%	562	100.0%
State	2,833	61.9%	1,745	38.1%	4,578	100.0%

All Civil Cases

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,158	49.6%	2,192	50.4%	4,350	100.0%
Kent	307	49.8%	310	50.2%	617	100.0%
Sussex	368	54.4%	309	45.6%	677	100.0%
State	2,833	50.2%	2,811	49.8%	5,644	100.0%

FISCAL YEAR 1990 ARBITRATION – CASELOAD

PENDING AT END OF YEAR

	Awaiting Responsive Pleading		Assigned to An Arbitrator		Total Pending	
New Castle	1,854	94.4%	111	5.6%	1,965	100.0%
Kent	235	82.5%	50	17.5%	285	100.0%
Sussex	170	57.4%	126	42.6%	296	100.0%
State	2,259	88.7%	287	11.3%	2,546	100.0%

*Includes complaints and mechanic's liens and mortgages.

**Includes only new filings.

***Includes cases removed before hearing, final dispositions at hearing, and de novo appeals.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 ARBITRATION – TYPES OF FILINGS*

Number of Filings

	Complaints		Mechanic's Liens and Mortgages		Total	
New Castle	1,847	85.6%	311	14.4%	2,158	100.0%
Kent	249	81.1%	58	18.9%	307	100.0%
Sussex	248	67.4%	120	32.6%	368	100.0%
State	2,344	82.7%	489	17.3%	2,833	100.0%

FISCAL YEAR 1990 ARBITRATION – TYPES OF FILINGS*

COMPLAINTS

Number of Filings

	Personal Injury (Auto)		Personal Injury (Non-Auto)		Debt/Breach of Contract		Arbitration Board Appeals		Other		Total	
New Castle	1,031	55.8%	144	7.8%	497	26.9%	126	6.8%	49	2.7%	1,847	100.0%
Kent	123	49.4%	23	9.2%	83	33.3%	5	2.0%	15	6.0%	249	100.0%
Sussex	97	39.1%	24	9.7%	100	40.3%	14	5.7%	13	5.2%	248	100.0%
State	1,251	53.4%	191	8.2%	680	29.0%	145	6.2%	77	3.3%	2,344	100.0%

FISCAL YEAR 1990 ARBITRATION – TYPES OF FILINGS*

MECHANIC'S LIENS AND MORTGAGES

Number of Filings

	Mechanic's Liens		Mortgages		Total	
New Castle	86	27.7%	225	72.3%	311	100.0%
Kent	13	22.4%	45	77.6%	58	100.0%
Sussex	23	19.2%	97	80.8%	120	100.0%
State	122	24.9%	367	75.1%	489	100.0%

*Includes only new filings.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 ARBITRATION – METHOD OF DISPOSITION

Number of Dispositions

	Removed Before Hearing*		Final Disposition Arbitrator's Order**		De Novo Appeal***		Total	
New Castle	1,108	58.6%	331	17.5%	452	23.9%	1,891	100.0%
Kent	176	66.2%	38	14.3%	52	19.5%	266	100.0%
Sussex	222	68.9%	45	14.0%	55	17.1%	322	100.0%
State	1,506	60.8%	414	16.7%	559	22.5%	2,479	100.0%

FISCAL YEAR 1990 ARBITRATION – METHOD OF DISPOSITION

REMOVED BEFORE HEARING*

Number of Dispositions

	Default Judgment		Dismissal		Settled		Other		Total	
New Castle	283	25.5%	496	44.8%	246	22.2%	83	7.5%	1,108	100.0%
Kent	61	34.7%	69	39.2%	29	16.5%	17	9.7%	176	100.0%
Sussex	93	41.9%	95	42.8%	6	2.7%	28	12.6%	222	100.0%
State	437	29.0%	660	43.8%	281	18.7%	128	8.5%	1,506	100.0%

FISCAL YEAR 1990 ARBITRATION – METHOD OF DISPOSITION

ARBITRATOR'S ORDERS

Number of Dispositions

	Final Disposition**		De Novo Appeal***		Total	
New Castle	331	42.3%	452	57.7%	783	100.0%
Kent	38	42.2%	52	57.8%	90	100.0%
Sussex	45	45.0%	55	55.0%	100	100.0%
State	414	42.5%	559	57.5%	973	100.0%

*Includes dispositions before hearing and removals (certificate of value, stay orders, etc.)

**Cases in which the arbitrator's decision is not appealed de novo.

***Cases in which the arbitrator's decision is appealed de novo.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 ARBITRATION – TYPES OF DISPOSITIONS

NEW CASTLE COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	161	14	0	175	71	116	187	32	1	33	220	395
Personal Injury (non-auto)	43	6	0	49	19	43	62	25	0	25	87	136
Debt/Breach of Contract	50	8	0	58	14	70	84	23	0	23	107	165
Lower Court and Board Appeals	26	7	0	33	2	9	11	4	1	5	16	49
Other Complaints	3	5	0	8	2	5	7	3	0	3	10	18
Mechanic's Lien	5	2	0	7	0	6	6	1	0	1	7	14
Mortgage	1	0	0	1	1	3	4	1	0	1	5	6
TOTAL	289	42	0	331	109	252	361	89	2	91	452	783

FISCAL YEAR 1990 ARBITRATION – TYPES OF DISPOSITIONS

KENT COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	16	0	0	16	8	12	20	7	0	7	27	43
Personal Injury (non-auto)	0	2	0	2	5	3	8	3	0	3	11	13
Debt/Breach of Contract	10	2	0	12	1	9	10	1	0	1	11	23
Lower Court and Board Appeals	3	0	0	3	0	0	0	1	0	1	1	4
Other Complaints	1	0	0	1	0	0	0	2	0	2	2	3
Mechanic's Lien	2	1	0	3	0	0	0	0	0	0	0	3
Mortgage	1	0	0	1	0	0	0	0	0	0	0	1
TOTAL	33	5	0	38	14	24	38	14	0	14	52	90

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgment.

Judg. = Judgment

Plain. = Plaintiff

Def. = Defendant

App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

FISCAL YEAR 1990 ARBITRATION – TYPES OF DISPOSITIONS

SUSSEX COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	19	1	0	20	2	9	11	3	1	4	15	35
Personal Injury (non-auto)	3	1	0	4	2	1	3	1	0	1	4	8
Debt/Breach of Contract	13	3	0	16	5	10	15	8	2	10	25	41
Lower Court and Board Appeals	1	2	0	3	0	2	2	1	1	2	4	7
Other Complaints	0	0	0	0	0	0	0	0	0	0	0	0
Mechanic's Lien	1	0	0	1	1	3	4	2	0	2	6	7
Mortgage	1	0	0	1	0	1	1	0	0	0	1	2
TOTAL	38	7	0	45	10	26	36	15	4	19	55	100

FISCAL YEAR 1990 ARBITRATION – TYPES OF DISPOSITIONS

STATE

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	196	15	0	211	81	137	218	42	2	44	262	473
Personal Injury (non-auto)	46	9	0	55	26	47	73	29	0	29	102	157
Debt/Breach of Contract	73	13	0	86	20	89	109	32	2	34	143	229
Lower Court and Board Appeals	30	9	0	39	2	11	13	6	2	8	21	60
Other Complaints	4	5	0	9	2	5	7	5	0	5	12	21
Mechanic's Lien	8	3	0	11	1	9	10	3	0	3	13	24
Mortgage	3	0	0	3	1	4	5	1	0	1	6	9
TOTAL	360	54	0	414	133	302	435	118	6	124	559	973

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgment.

Judg. = Judgment

Plain. = Plaintiff

Def. = Defendant

App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1990 ARBITRATION – PERFORMANCE SUMMARY

	Average Time From Date of Filing to Date of Appointment	Average Time From Date of Appointment To Date of Hearing	Average Time From Date of Filing To Date of Hearing
New Castle	154.0 days	71.0 days	225.0 days
Kent	166.0 days	65.0 days	231.0 days
Sussex	151.0 days	81.0 days	232.0 days
State	156.0 days	71.0 days	227.0 days

	Average Time From Filing to Final Disposition*	Average Time From Filing to De Novo Appeal	Average Time From Filing to Final Disposition or De Novo Appeal**
New Castle	226.0 days	249.0 days	239.3 days
Kent	243.0 days	264.0 days	255.1 days
Sussex	244.0 days	264.0 days	255.0 days
State	229.0 days	252.0 days	242.4 days

FISCAL YEAR 1990 ARBITRATION – PERFORMANCE SUMMARY

COMPLIANCE WITH 40-DAY RULE***

	Number of Hearings Held Within 40 Days After Appointment of Arbitrator		Number of Hearings Held More Than 40 Days After Appointment of Arbitrator		Total Number of Hearings Held	
New Castle	596	76.1%	187	23.9%	783	100.0%
Kent	28	31.1%	62	68.9%	90	100.0%
Sussex	23	23.0%	77	77.0%	100	100.0%
State	647	66.5%	326	33.5%	973	100.0%

*Disposed of at arbitration hearing and not followed by de novo appeal.

**All cases for which an arbitration hearing was held.

***Superior Court Civil Rule 16(c)(6)(A) states that the arbitration hearing is to be held within 40 days of the appointment. Arbitrators are authorized to grant an extension of time for a hearing to a date certain.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Prothonotary's Office — Kent County Courthouse

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO HEARING

Average Time From Date of Filing To Date of Appointment

	1989	1990	Change	% Change
New Castle	135.5 days	154.0 days	+ 18.5 days	+ 13.7%
Kent	147.0 days	166.0 days	+ 19.0 days	+ 12.9%
Sussex	126.0 days	151.0 days	+ 25.0 days	+ 19.8%
State	135.5 days	155.5 days	+ 20.0 days	+ 14.8%

Average Time From Date of Appointment To Date of Hearing

	1989	1990	Change	% Change
New Castle	69.8 days	71.0 days	+ 1.2 days	+ 1.7%
Kent	58.0 days	65.0 days	+ 7.0 days	+ 12.1%
Sussex	82.0 days	81.0 days	– 1.0 days	– 1.2%
State	70.1 days	71.5 days	+ 1.4 days	+ 2.0%

Average Time From Date of Filing To Date of Hearing

	1989	1990	Change	% Change
New Castle	205.3 days	225.0 days	+ 19.7 days	+ 9.6%
Kent	205.0 days	231.0 days	+ 26.0 days	+ 12.7%
Sussex	208.0 days	232.0 days	+ 24.0 days	+ 11.5%
State	205.6 days	227.0 days	+ 21.4 days	+ 10.4%

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO DISPOSITION/APPEAL

Average Time From Filing to Final Disposition*

	1989	1990	Change	% Change
New Castle	207.9 days	226.0 days	+ 18.1 days	+ 8.7%
Kent	203.0 days	243.0 days	+ 40.0 days	+ 19.7%
Sussex	198.0 days	244.0 days	+ 46.0 days	+ 23.2%
State	206.5 days	229.6 days	+ 23.1 days	+ 11.2%

Average Time From Filing to De Novo Appeal

	1989	1990	Change	% Change
New Castle	203.2 days	249.0 days	+ 45.8 days	+ 22.5%
Kent	250.0 days	264.0 days	+ 14.0 days	+ 5.6%
Sussex	240.0 days	264.0 days	+ 24.0 days	+ 10.0%
State	212.3 days	251.8 days	+ 39.5 days	+ 18.6%

Average Time From Filing to Final Disposition Or De Novo Appeal**

	1989	1990	Change	% Change
New Castle	205.3 days	239.5 days	+ 34.2 days	+ 16.7%
Kent	225.1 days	255.1 days	+ 30.0 days	+ 13.3%
Sussex	226.4 days	255.0 days	+ 28.6 days	+ 12.6%
State	209.7 days	242.5 days	+ 32.8 days	+ 15.7%

*Disposed of at arbitration hearing and not followed by de novo appeal.

**All cases for which an arbitration hearing was held.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION – PERFORMANCE SUMMARY

HEARINGS HELD

Number of Hearings Held Within 40 Days After Appointment of Arbitrator

	1989	1990	Change	% Change
New Castle	215	596	+ 381	+ 177.2%
Kent	40	28	– 12	– 30.0%
Sussex	36	23	– 13	– 36.1%
State	291	647	+ 356	+ 122.3%

Number of Hearings Held More Than 40 Days After Appointment of Arbitrator

	1989	1990	Change	% Change
New Castle	491	187	– 304	– 61.9%
Kent	47	62	+ 15	+ 31.9%
Sussex	69	77	+ 8	+ 11.6%
State	607	326	– 281	– 46.3%

Total Number of Hearings Held

	1989	1990	Change	% Change
New Castle	706	783	+ 77	+ 10.9%
Kent	87	90	+ 3	+ 3.4%
Sussex	105	100	– 5	– 4.8%
State	898	973	+ 75	+ 8.4%

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

New Castle County Law Library — Public Building

Family Court

Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge Karl J. Parrish
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman

Family Court

FAMILY COURT

Seated (Left to Right)
Associate Judge Battle R. Robinson
Associate Judge Robert W. Wakefield
Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Peggy L. Ableman

Standing (Left to Right)
Associate Judge Kenneth M. Millman
Associate Judge Karl J. Parrish
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Charles K. Keil
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Jay Paul James

Family Court

Legal Authorization

The Family Court Act, Title 10, Chapter 9, *Delaware Code*, authorizes the Family Court.

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created.

From the early 1930's there was a campaign to establish a Family Court in the northernmost county, and this ideal was achieved in 1945 when the Legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962 the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950's the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

Geographic Organization

The Family Court is a unified statewide Court with branches in New Castle County at Wilmington, Kent County at Dover, and Sussex County at Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first degree murder, rape, or kidnapping.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Judges

Number: The Court is allowed 13 Judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the Judges must be of one major political party with the remainder of the other major political party.

Appointment: The Governor nominates the Judges, who must be confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least 5 years prior to appointment and must have a knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel

The Chief Judge appoints and commissions Masters for the Court who shall hold office at his pleasure and must have resided in the State for at least 5 years prior to their appointment. Masters may hear any matters properly assigned to them by the Chief Judge, and their findings and recommendations are reviewed by a judge for approval. Parties may request a review de novo by a Judge by petitioning the Court in writing within 15 days of the Master's findings.

Family Court

Support Personnel

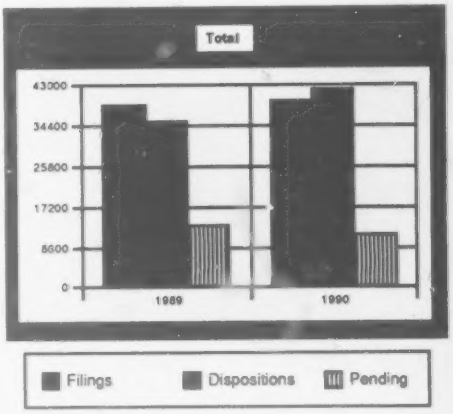
The three major administrative divisions of the Court are Court Operations, Fiscal Services and Personnel Services. Fiscal Services and Personnel Services perform staff functions, whereas Court Operations is responsible for the delivery of services to the public.

The Family Court has a staff of more than 270 persons in addition to the judiciary. The Court has a Court Administrator and a Director of Operations in each County as well as Clerks of the Court, secretaries, typists, accountants, clerks, data entry operators, judicial assistants, mediation/arbitration officers, child support officers, and volunteers working in all areas of the Court.

Caseload Trends

Total filings rose by 2.9% from 38,862 in FY 1989 to 40,007 in FY 1990. Total dispositions were up at a far greater rate, increasing by 18.1% to 42,179 in FY 1990 from 35,723 in FY 1989. Total filings and total dispositions rose in each county as well as statewide, indicating that these rises were not limited to a single area

The sharp rise in dispositions led to a drop in total pending at the end of the year in each county as well as statewide despite the moderate increase in total filings. Total pending fell by 16.1% from 13,475 at the end of FY 1989 to 11,303 at the end of FY 1990.



Family Court Building — Kent County

Family Court

FISCAL YEAR 1990 – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/89	Filed	Disposed	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle	9,405	23,830	25,866	7,369	– 2,036	– 21.6%
Kent	1,907	7,686	7,707	1,886	– 21	– 1.1%
Sussex	2,163	8,491	8,606	2,048	– 115	– 5.3%
State	13,475	40,007	42,179	11,303	– 2,172	– 16.1%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

FILED

Number of Filings

	1989	1990	Change	% Change
New Castle	23,593	23,830	+ 237	+ 1.0%
Kent	7,189	7,686	+ 497	+ 6.9%
Sussex	8,080	8,491	+ 411	+ 5.1%
State	38,862	40,007	+ 1,145	+ 2.9%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

DISPOSED

Number of Filings

	1989	1990	Change	% Change
New Castle	21,016	25,866	+ 4,850	+ 23.1%
Kent	6,845	7,707	+ 862	+ 12.6%
Sussex	7,862	8,606	+ 744	+ 9.5%
State	35,723	42,179	+ 6,456	+ 18.1%

FISCAL YEAR 1990 TOTAL CASES WORKLOAD EXPLANATORY NOTES

1. The unit of count in the family court adult criminal, juvenile delinquency, and civil cases is the filing.
2. A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately, so that three incidents brought before the court on a single individual are counted as three criminal or delinquency filings.
   a. A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
   b. A criminal filing received by the Court in the form of an information or a complaint, and a delinquency filing is received by the Court in the form of a petition or a complaint.
3. A civil filing is defined as a single civil incident filed with Family Court. A civil incident is initiated by a petition. In the instance of a divorce, although the petition may contain multiple matters ancillary to the divorce, each petition is counted as one filing.

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1990 ADULT CRIMINAL CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/89	Filed	Disposed	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle	1,232	4,021	4,223	1,030	– 202	– 16.4%
Kent	147	691	651	187	+ 40	+ 27.2%
Sussex	165	543	542	166	+ 1	+ 0.6%
State	1,544	5,255	5,416	1,383	– 161	– 10.4%

COMPARISON – FISCAL YEARS 1989-1990 ADULT CRIMINAL CASES – CASELOAD

FILED

Number of Filings

	1989	1990	Change	% Change
New Castle	3,430	4,021	+ 591	+ 17.2%
Kent	459	691	+ 232	+ 50.5%
Sussex	579	543	– 36	– 6.2%
State	4,468	5,255	+ 787	+ 17.6%

COMPARISON – FISCAL YEARS 1989-1990 ADULT CRIMINAL CASES – CASELOAD

DISPOSED

Number of Filings

	1989	1990	Change	% Change
New Castle	2,801	4,223	+ 1,422	+ 50.8%
Kent	436	651	+ 215	+ 49.3%
Sussex	577	542	– 35	– 6.1%
State	3,814	5,416	+ 1,602	+ 42.0%

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1990 JUVENILE DELINQUENCY CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/89	Filed	Disposed	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	2,542	5,078	6,268	1,352	– 1,190	– 46.8%
Kent	403	1,559	1,562	400	– 3	– 0.7%
Sussex	533	1,356	1,431	458	– 75	– 14.1%
State	3,478	7,993	9,261	2,210	– 1,268	– 36.5%

COMPARISON – FISCAL YEARS 1989-1990 JUVENILE DELINQUENCY CASES – CASELOAD

FILED

Number of Filings

	1989	1990	Change	% Change
New Castle	5,156	5,078	– 78	– 1.5%
Kent	1,533	1,559	+ 26	+ 1.7%
Sussex	1,482	1,356	– 126	– 8.5%
State	8,171	7,993	– 178	– 2.2%

COMPARISON – FISCAL YEARS 1989-1990 JUVENILE DELINQUENCY CASES – CASELOAD

DISPOSED

Number of Filings

	1989	1990	Change	% Change
New Castle	4,306	6,268	+ 1,962	+ 45.6%
Kent	1,447	1,562	+ 115	+ 8.0%
Sussex	1,378	1,431	+ 53	+ 3.8%
State	7,131	9,261	+ 2,130	+ 29.9%

Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1990 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

FILED

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,028	20.2%	3,862	76.1%	188	3.7%	5,078	100.0%
Kent	316	20.3%	1,153	74.0%	90	5.8%	1,559	100.0%
Sussex	240	17.7%	1,034	76.3%	82	6.0%	1,356	100.0%
State	1,584	19.8%	6,049	75.7%	360	4.5%	7,993	100.0%

FISCAL YEAR 1990 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

DISPOSED

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,569	25.0%	4,440	70.8%	259	4.1%	6,268	100.0%
Kent	277	17.7%	1,183	75.7%	102	6.5%	1,562	100.0%
Sussex	283	19.8%	1,062	74.2%	86	6.0%	1,431	100.0%
State	2,129	23.0%	6,685	72.2%	447	4.8%	9,261	100.0%

FISCAL YEAR 1990 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	391	28.9%	931	68.9%	30	2.2%	1,352	100.0%
Kent	101	25.3%	266	66.5%	33	8.3%	400	100.0%
Sussex	99	21.6%	332	72.5%	27	5.9%	458	100.0%
State	591	26.7%	1,529	69.2%	90	4.1%	2,210	100.0%

FISCAL YEAR 1990 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Filings

	Felony	Misdemeanor	Traffic	TOTALS
New Castle	– 541	– 578	– 71	– 1,190
Kent	+ 39	– 30	– 12	– 3
Sussex	– 43	– 28	– 4	– 75
State	– 545	– 636	– 87	– 1,268

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1990 CIVIL CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/89	Filed	Disposed	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	5,631	14,731	15,375	4,987	– 644	– 11.4%
Kent	1,357	5,436	5,494	1,299	– 58	– 4.3%
Sussex	1,465	6,592	6,633	1,424	– 41	– 2.8%
State	8,453	26,759	27,502	7,710	– 743	– 8.8%

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

FILED

Number of Filings

	1989	1990	Change	% Change
New Castle	15,007	14,731	- 276	– 1.8%
Kent	5,197	5,436	+ 239	+ 4.6%
Sussex	6,019	6,592	+ 573	+ 9.5%
State	26,223	26,759	+ 536	+ 2.0%

COMPARISON – FISCAL YEARS 1989 -1990 CIVIL CASES – CASELOAD

DISPOSED

Number of Filings

	1989	1990	Change	% Change
New Castle	13,909	15,375	+ 1,466	+ 10.5%
Kent	4,962	5,494	+ 532	+ 10.7%
Sussex	5,907	6,633	+ 726	+ 12.3%
State	24,778	27,502	+ 2,724	+ 11.0%

Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

FILED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	2,195	14.9%	787	5.3%	2,873	19.5%	2,326	15.8%	1,878	12.8%	1,490	10.1%
Kent	660	12.3%	226	4.2%	963	17.7%	969	17.8%	699	12.9%	743	13.7%
Sussex	680	10.3%	130	2.0%	1,225	18.6%	1,812	27.5%	898	13.6%	762	11.6%
State	3,541	13.2%	1,143	4.3%	5,061	18.9%	5,107	19.1%	3,475	13.0%	2,995	11.2%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	512	3.5%	232	1.6%	135	0.9%	101	0.7%	2,202	15.0%	14,731	100.0%
Kent	209	3.8%	25	0.5%	39	0.7%	11	0.2%	886	16.3%	5,436	100.0%
Sussex	199	3.0%	35	0.5%	37	0.6%	15	0.2%	799	12.1%	6,592	100.0%
State	920	3.4%	292	1.1%	211	0.8%	127	0.5%	3,887	14.5%	26,759	100.0%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,847	12.0%	838	5.5%	3,199	20.8%	2,463	16.0%	2,334	15.2%	1,524	9.9%
Kent	667	12.1%	235	4.3%	1,087	19.8%	966	17.6%	694	12.6%	705	12.8%
Sussex	697	10.5%	175	2.6%	1,274	19.2%	1,733	26.1%	885	13.3%	797	12.0%
State	3,211	11.7%	1,248	4.5%	5,560	20.2%	5,162	18.8%	3,913	14.2%	3,026	11.0%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	556	3.6%	270	1.8%	144	0.9%	106	0.7%	2,094	13.6%	15,375	100.0%
Kent	208	3.8%	26	0.5%	40	0.7%	14	0.3%	852	15.5%	5,494	100.0%
Sussex	180	2.7%	40	0.6%	34	0.5%	16	0.2%	802	12.1%	6,633	100.0%
State	944	3.4%	336	1.2%	218	0.8%	136	0.5%	3,748	13.6%	27,502	100.0%

RTSC = Rule to Show Cause
Source: Statistician, Family Court , Administrative Office of the Courts

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,738	34.9%	92	1.8%	843	16.9%	894	17.9%	427	8.6%	350	7.0%
Kent	252	19.4%	51	3.9%	249	19.2%	247	19.0%	113	8.7%	176	13.6%
Sussex	271	19.0%	39	2.7%	321	22.5%	289	20.3%	159	11.2%	147	10.3%
State	2,261	29.3%	182	2.4%	1,413	18.3%	1,430	18.6%	699	9.1%	673	8.7%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	135	2.7%	22	0.4%	45	0.9%	53	1.1%	388	7.8%	4,987	100.0%
Kent	52	4.0%	4	0.3%	15	1.2%	7	0.5%	133	10.2%	1,299	100.0%
Sussex	61	4.3%	3	0.2%	22	1.5%	13	0.9%	99	7.0%	1,424	100.0%
State	248	3.2%	29	0.4%	82	1.1%	73	1.0%	620	8.0%	7,710	100.0%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

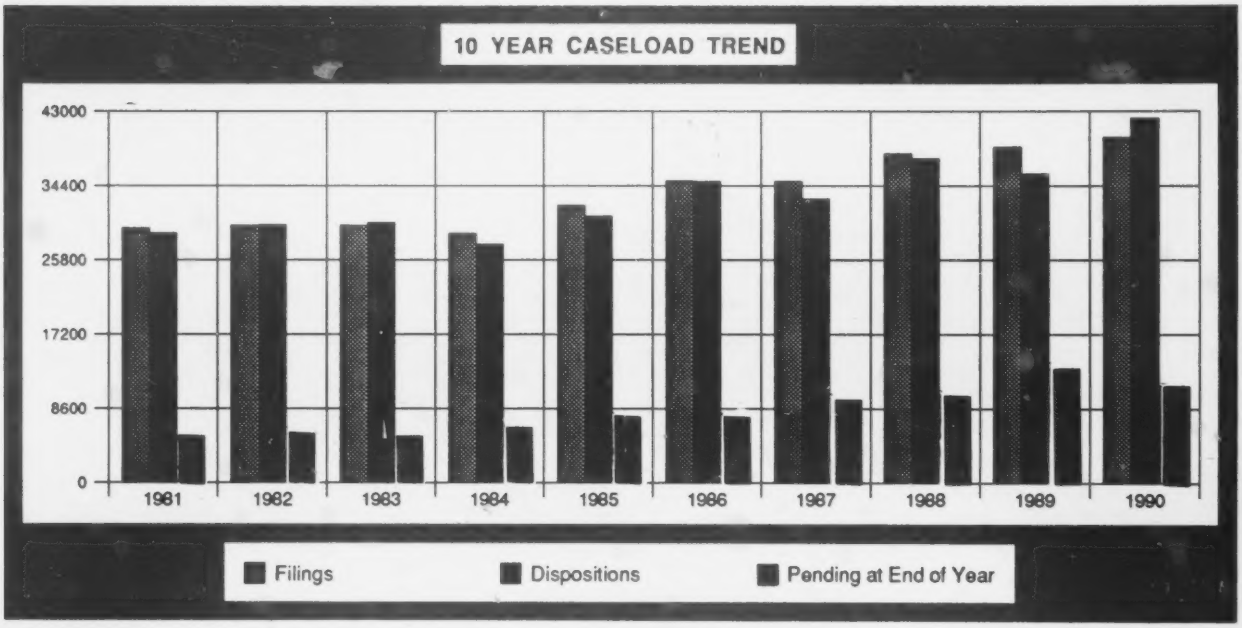
CHANGE IN PENDING

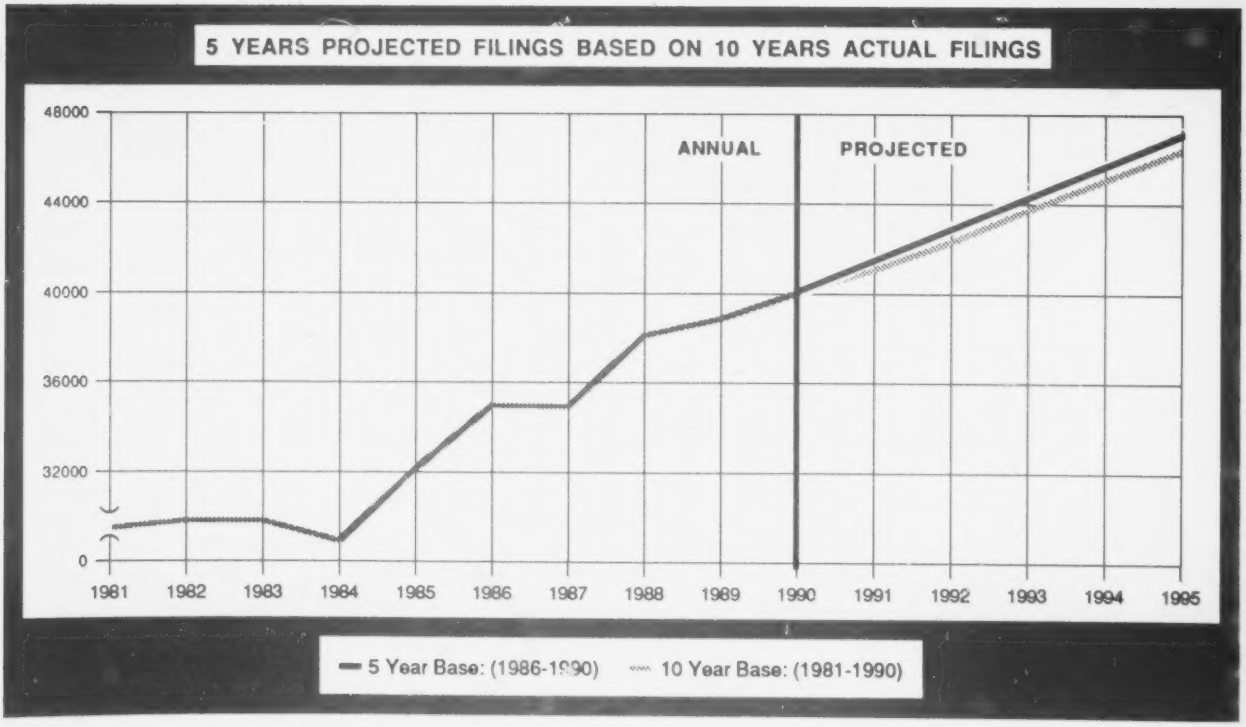
	Divorces and Annulments	RTSC/ Other Civil Contempts	New Non-Support	Support Arrearages	Support Modifications	Custody
New Castle	+ 348	– 51	– 326	– 137	– 456	– 34
Kent	– 1	– 9	– 124	+ 3	+ 5	+ 38
Sussex	– 17	– 45	– 49	+ 79	+ 13	– 35
State	+ 330	– 105	– 499	– 55	– 438	– 31

	Visitation	Imperiling Family Relations	Adoptions	Terminations of Parental Rights	Miscellaneous	TOTALS
New Castle	– 44	– 38	– 9	– 5	+ 108	– 644
Kent	+ 1	– 1	– 1	– 3	+ 34	– 58
Sussex	+ 19	– 5	+ 3	– 1	– 3	– 41
State	– 24	– 44	– 7	– 9	+ 139	– 743

RTSC = Rule to Show Cause
Source: Statistician, Family Court , Administrative Office of the Courts.

Family Court — Total





Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

FISCAL YEAR 1990 ARBITRATION
EXPLANATORY NOTES

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor changes and adult criminal cases involving selected misdemeanors.
2. Family Court decides according to established criteria if a case should be prosecuted at a formal hearing or if it should be referred to the Arbitration Unit.
3. An Arbitration Officer determines if the case should be dismissed, sent to a formal hearing, or kept open. A case is kept open if a defendant is required to fulfill conditions set by the officer and agreed to by the defendant.
4. The complainant, victim, defendant, or parent has ten (10) days to request a review of the disposition. The review is done by a Deputy Attorney General, who either upholds the disposition or decides that the matter should go to a formal hearing.

FISCAL YEAR 1990 ARBITRATION ACTIVITY – CASELOAD SUMMARY

	Pending 6/30/89	Filed	Disposed	Pending 6/30/90	Change In Pending	% Change In Pending	Placed On Conditions
New Castle	539	2,158	2,178	519	– 20	– 3.7%	1,708
Kent	55	612	569	98	+ 43	+ 78.2%	449
Sussex	43	563	573	33	– 10	– 23.3%	444
State	637	3,333	3,320	650	+ 13	+ 2.0%	2,601

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION ACTIVITY –CASELOAD

FILED

	1989	1990	Change	% Change
New Castle	1,930	2,158	+ 228	+ 11.8%
Kent	589	612	+ 23	+ 3.9%
Sussex	512	563	+ 51	+ 10.0%
State	3,031	3,333	+ 302	+ 10.0%

Source: Statistician, Family Court Administrative Office of the Courts.

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION ACTIVITY – CASELOAD (cont'd.)

DISPOSED

	1989	1990	Change	% Change
New Castle	1,915	2,178	+ 263	+ 13.7%
Kent	605	569	– 36	– 6.0%
Sussex	657	573	– 84	– 12.8%
State	3,177	3,320	+ 143	+ 4.5%

COMPARISON – FISCAL YEARS 1989-1990 ARBITRATION ACTIVITY – CASELOAD

PLACED ON CONDITIONS

	1989	1990	Change	% Change
New Castle	1,407	1,708	+ 301	+ 21.4%
Kent	482	449	– 33	– 6.8%
Sussex	421	444	+ 23	+ 5.5%
State	2,310	2,601	+ 291	+ 12.6%

Source: Statistician, Family Court , Administrative Office of the Courts.

Case Processing Area — New Castle County Family Court Building.

Court of Common Pleas

Chief Judge Robert H. Wahl
Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.

Court of Common Pleas

COURT OF COMMON PLEAS

Seated (Left to Right)
Judge Arthur F. DiSabatino
Chief Judge Robert H. Wahl

Standing (Left to Right)
Judge Merrill C. Trader
Judge William C. Bradley, Jr.
Judge Paul E. Ellis

Court of Common Pleas

Legal Authorization

The statewide Court of Common Pleas was created by 10 *Delaware Code*, Chapter 13, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century, however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court with limited civil and criminal jurisdiction was established in New Castle County. Courts of Common Pleas were later established in Kent County in 1931 and Sussex County in 1953.

In 1973, the Court of Common Pleas became a State of Delaware Court rather than county courts.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction which includes concurrent jurisdiction with Superior Court in civil actions where the amount involved, exclusive of interest, does not exceed $15,000 on the complaint. There is no limitation in amount on counterclaim. All civil cases are tried without a jury.

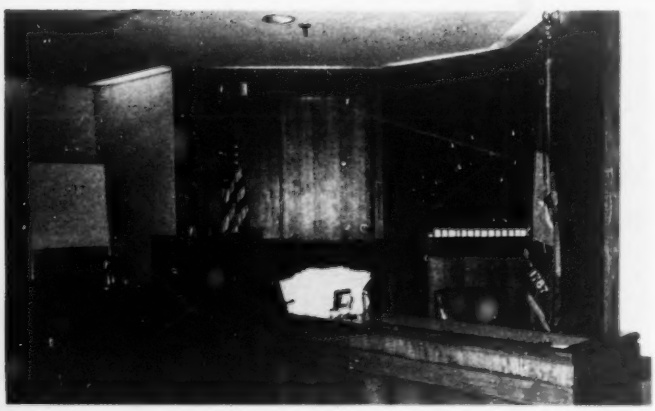
The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except drug-related cases (other than possession of marijuana), and those occurring within the corporate limits of the City of Wilmington. It also is responsible for all preliminary hearings. Jury trial is available to defendants but in New Castle County jury trials are referred to Superior Court for disposition.

Judges

There are five Judges of the Court of Common Pleas, of which three are to be residents of New Castle County, one of Kent County, and one of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Judge who has seniority in service is to serve as Chief Judge.

Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, presentence officers, etc.



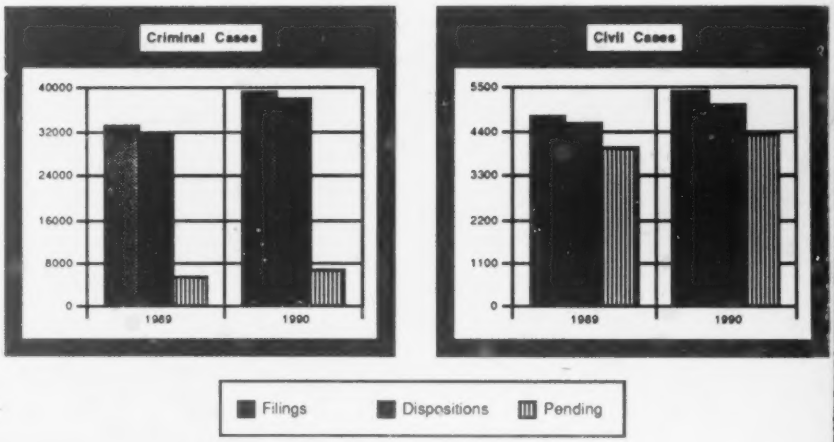
Court of Common Pleas
Courtroom — Public Building

Court of Common Pleas

Caseload Trends

Criminal filings and dispositions both rose in FY 1990 from the levels of FY 1989. Criminal filings increased by 19.8% from 33,044 in FY 1989 to 39,572 in FY 1990. The Court responded to this increased criminal caseload by increasing dispositions to 38,288 in FY 1990, which was 21.6% more than the 31,500 criminal dispositions in FY 1989. Though criminal dispositions did increase during FY 1990, there was still a 23.3% rise in criminal pending from 5,504 at the end of FY 1989 to 6,788 at the end of FY 1990 as a result of the rise in criminal filings.

Civil caseload rose in FY 1990 after dropping slightly in FY 1989. Civil filings increased by 12.5% from 4,816 in FY 1989 to 5,420 in FY 1990. There was a 9.3% rise in civil dispositions to 5,060 in FY 1990 from 4,628 in FY 1989. Civil pending rose by 9.0% from 3,986 in FY 1989 to 4,346 in FY 1990.



Court of Common Pleas Clerk's Office — Public Building.

Court of Common Pleas

FISCAL YEAR 1990 CRIMINAL CASES – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	3,236	22,552	21,482	4,306	+ 1,070	+ 33.1%
Kent	1,246	7,961	7,804	1,403	+ 157	+ 12.6%
Sussex	1,022	9,059	9,002	1,079	+ 57	+ 5.6%
State	5,504	39,572	38,288	6,788	+ 1,284	+ 23.3%

COMPARISON – FISCAL YEARS 1989-1990 CRIMINAL CASES – CASELOAD

FILINGS

	1989	1990	Change	% Change
New Castle	19,791	22,552	+ 2,761	+ 14.0%
Kent	6,358	7,961	+ 1,603	+ 25.2%
Sussex	6,895	9,059	+ 2,164	+ 31.4%
State	33,044	39,572	+ 6,528	+ 19.8%

COMPARISON – FISCAL YEARS 1989-1990 CRIMINAL CASES – CASELOAD

DISPOSITIONS

	1989	1990	Change	% Change
New Castle	18,857	21,482	+ 2,625	+ 13.9%
Kent	5,741	7,804	+ 2,063	+ 35.9%
Sussex	6,902	9,002	+ 2,100	+ 30.4%
State	31,500	38,288	+ 6,788	+ 21.6%

*The unit of count for criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1990 CRIMINAL CASES* – CASELOAD BREAKDOWNS

FILINGS

	Original**		Optional Transfers#		Mandatory Transfers##		Reduced to Misdemeanors@		Totals		Preliminary Hearings
New Castle	875	3.9%	20,722	91.9%	415	1.8%	540	2.4%	22,552	100.0%	5,440
Kent	854	10.7%	6,771	85.1%	328	4.1%	8	0.1%	7,961	100.0%	3,284
Sussex	81	0.9%	7,231	79.8%	1,559	17.2%	188	2.1%	9,059	100.0%	3,226
State	1,810	4.6%	34,724	87.7%	2,302	5.8%	736	1.9%	39,572	100.0%	11,950

FISCAL YEAR 1990 CRIMINAL CASES* – CASELOAD BREAKDOWNS

DISPOSITIONS

	Jury		Non-Jury		Totals	
New Castle	0	0.0%	21,482	100.0%	21,482	100.0%
Kent	87	1.1%	7,717	98.9%	7,804	100.0%
Sussex	16	0.2%	8,986	99.8%	9,002	100.0%
State	103	0.3%	38,185	99.7%	38,288	100.0%

FISCAL YEAR 1990 CRIMINAL CASES* – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Caplases		Other		Totals	
New Castle	2,523	58.6%	1,783	41.4%	4,306	100.0%
Kent	815	58.1%	588	41.9%	1,403	100.0%
Sussex	180	16.7%	899	83.3%	1,079	100.0%
State	3,518	51.8%	3,270	48.2%	6,788	100.0%

FISCAL YEAR 1990 CRIMINAL CASES* – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Caplases	Other	Total
New Castle	+ 382	+ 688	+ 1,070
Kent	+ 121	+ 36	+ 157
Sussex	+ 44	+ 13	+ 57
State	+ 547	+ 737	+ 1,284

* The unit of count in criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.
** Charges filed initially in the Court of Common Pleas.
# Charges filed originally in Justice of the Peace Courts which were transferred to the Court of Common Pleas at the option of the defendant.
Charges originally filed in the Justice of the Peace Courts which by statute must be transferred to the Court of Common Pleas.
@ Felony charges brought before the Court of Common Pleas for preliminary hearing which are reduced to misdemeanors and pled guilty to.
Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1990 PRESENTENCE OFFICE – PERFORMANCE

	No. of Defendants Sentenced After Presentence Investigation	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced
New Castle	391	26.7 days	0.5 days	27.2 days	1.0 days	28.2 days
Kent	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1990 PRESENTENCE OFFICE – PRODUCTIVITY

	INVESTIGATIONS		TYPING	
	Number of Investigations Written	Average Number Written Per Month	Number of Investigations Typed	Average Number Typed Per Month
New Castle	391	9.9	391	32.6
Kent	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1990 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle	3,394	3,858	3,787	3,465	+ 71	+ 2.1%
Kent	269	565	355	479	+ 210	+ 78.1%
Sussex	323	997	918	402	+ 79	+ 24.5%
State	3,986	5,420	5,060	4,346	+ 360	+ 9.0%

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

	FILINGS			
	1989	1990	Change	% Change
New Castle	3,608	3,858	+ 250	+ 6.9%
Kent	418	565	+ 147	+ 35.2%
Sussex	790	997	+ 207	+ 26.2%
State	4,816	5,420	+ 604	+ 12.5%

N.A. = Not Applicable. This is because presentence investigations for the Court of Common Pleas in Kent County and Sussex County are done by the Superior Court Presentence Office.

Source: Court Administrator, Court of Common Pleas , Administrative Office of the Courts.

COMPARISON – FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD (cont'd.)

DISPOSITIONS

	1989	1990	Change	% Change
New Castle	3,449	3,787	+ 338	+ 9.8%
Kent	388	355	– 33	– 8.5%
Sussex	791	918	+ 127	+ 16.0%
State	4,628	5,060	+ 432	+ 9.3%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

FILINGS

	Complaints		Civil Judgements, Name Changes		Totals	
New Castle	3,590	93.1%	268	6.9%	3,858	100.0%
Kent	478	84.6%	87	15.4%	565	100.0%
Sussex	931	93.4%	66	6.6%	997	100.0%
State	4,999	92.2%	421	7.8%	5,420	100.0%

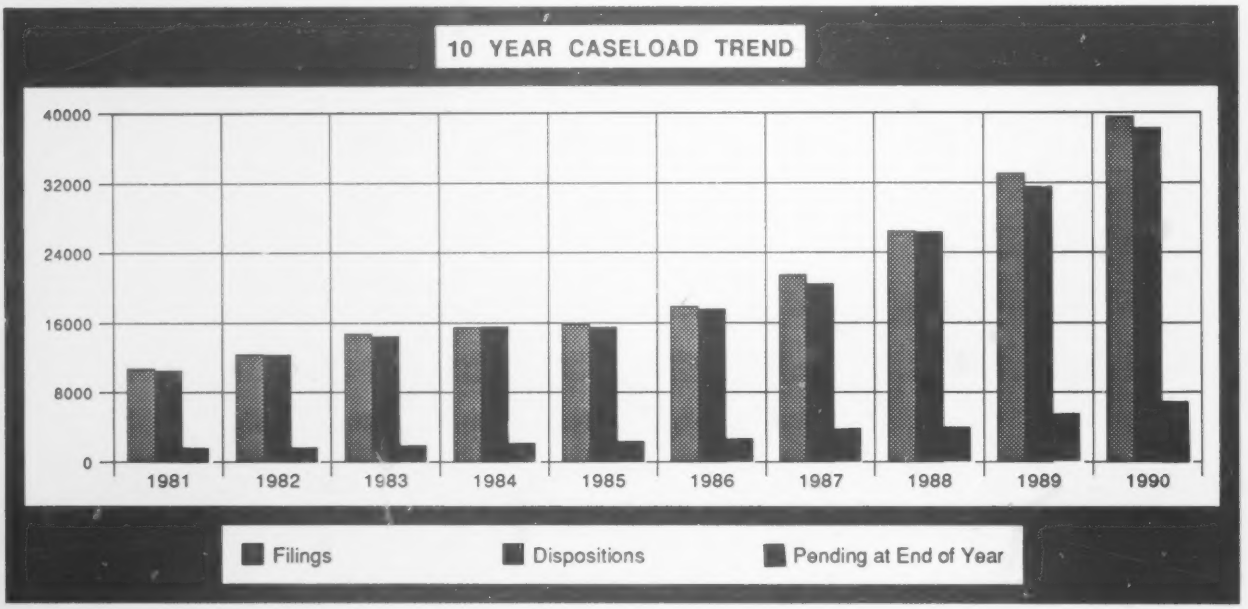
FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

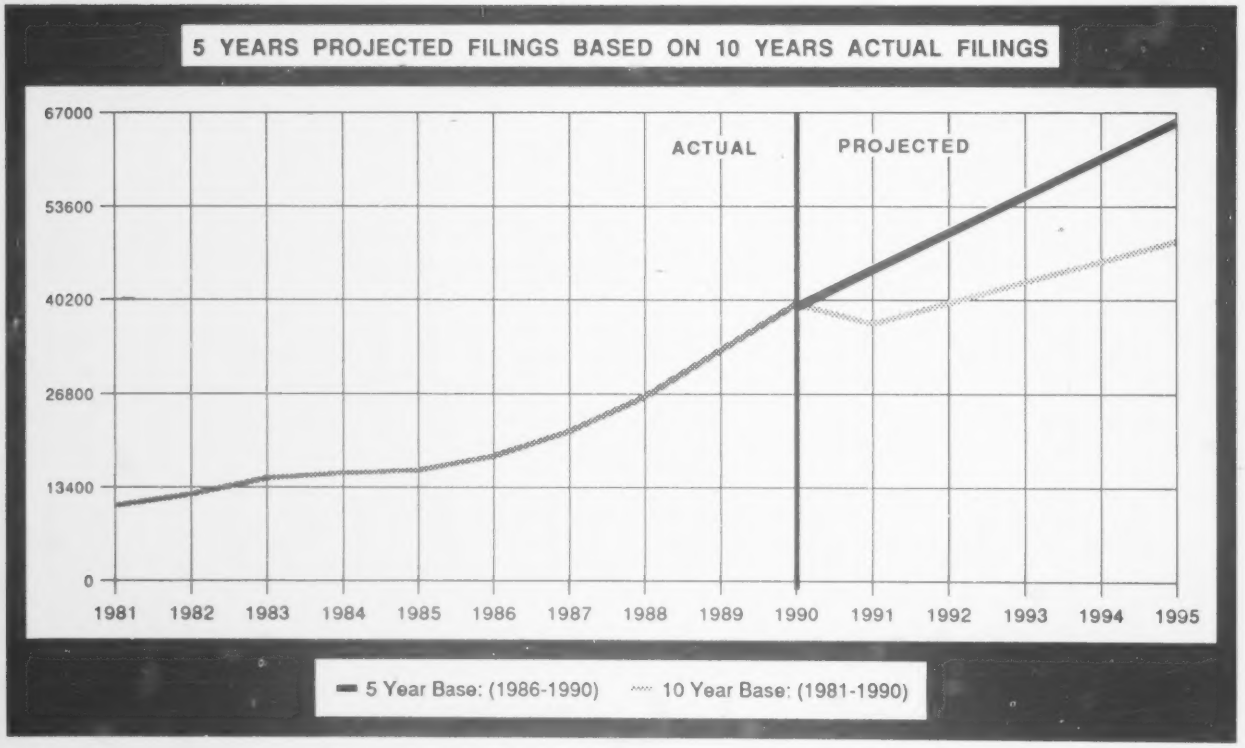
DISPOSITIONS

	By Court		By Counsel		Totals	
New Castle	884	23.3%	2,903	76.7%	3,787	100.0%
Kent	131	36.9%	224	63.1%	355	100.0%
Sussex	201	21.9%	717	78.1%	918	100.0%
State	1,216	24.0%	3,844	76.0%	5,060	100.0%

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas — Criminal

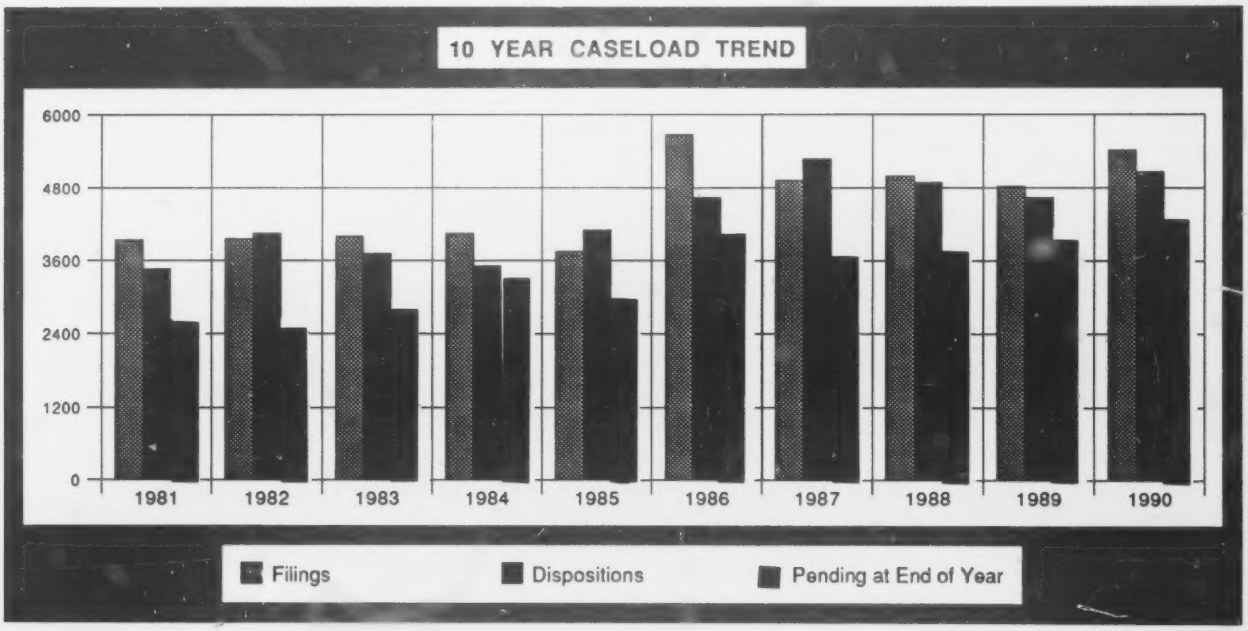


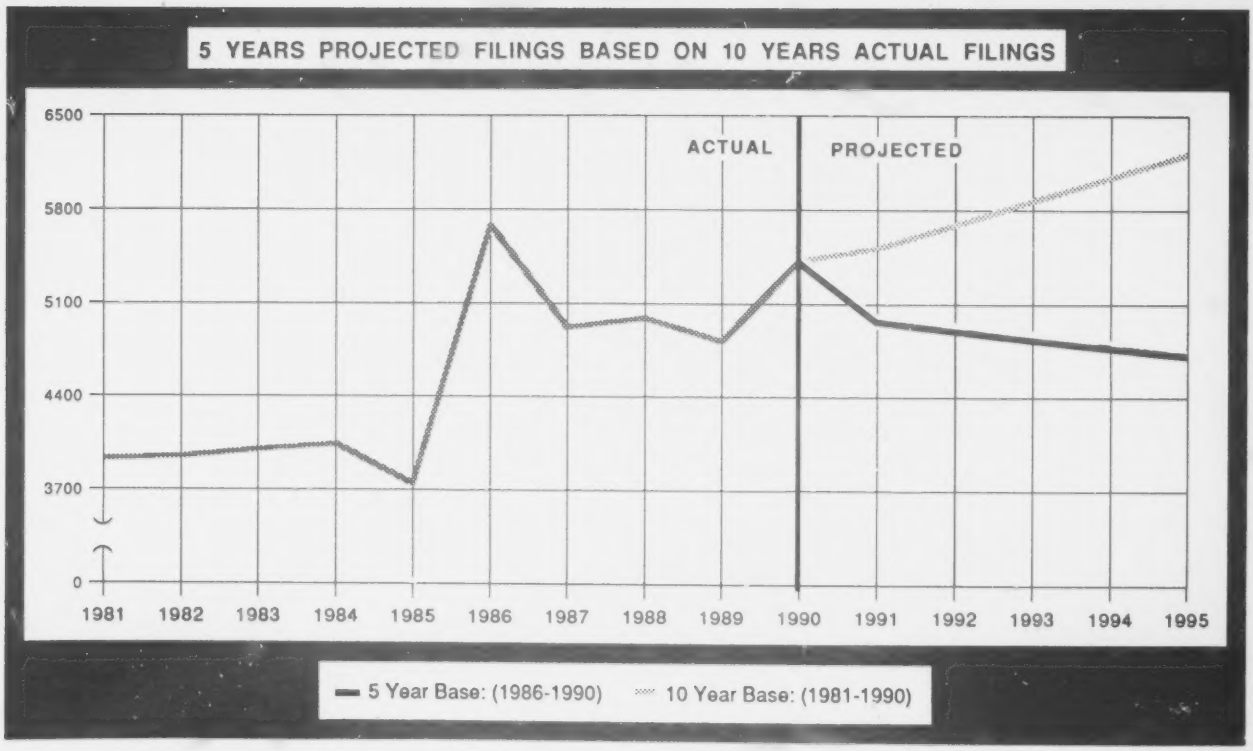


Trend lines computed by linear regression analysis.

Source Administrative Office of the Courts.

Court of Common Pleas — Civil

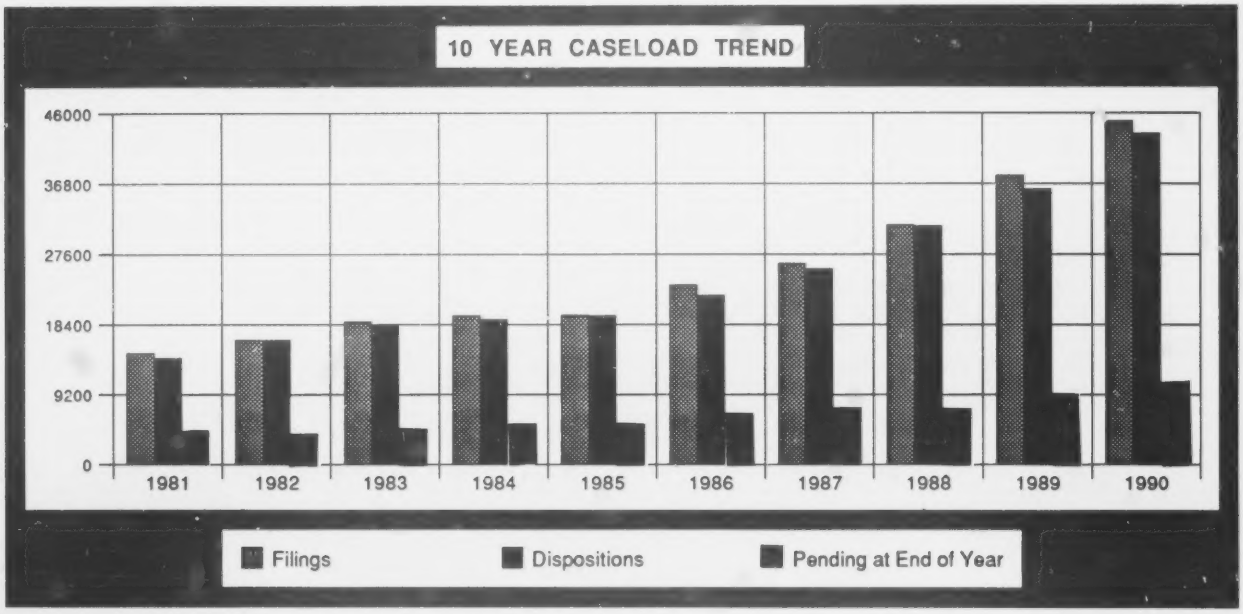


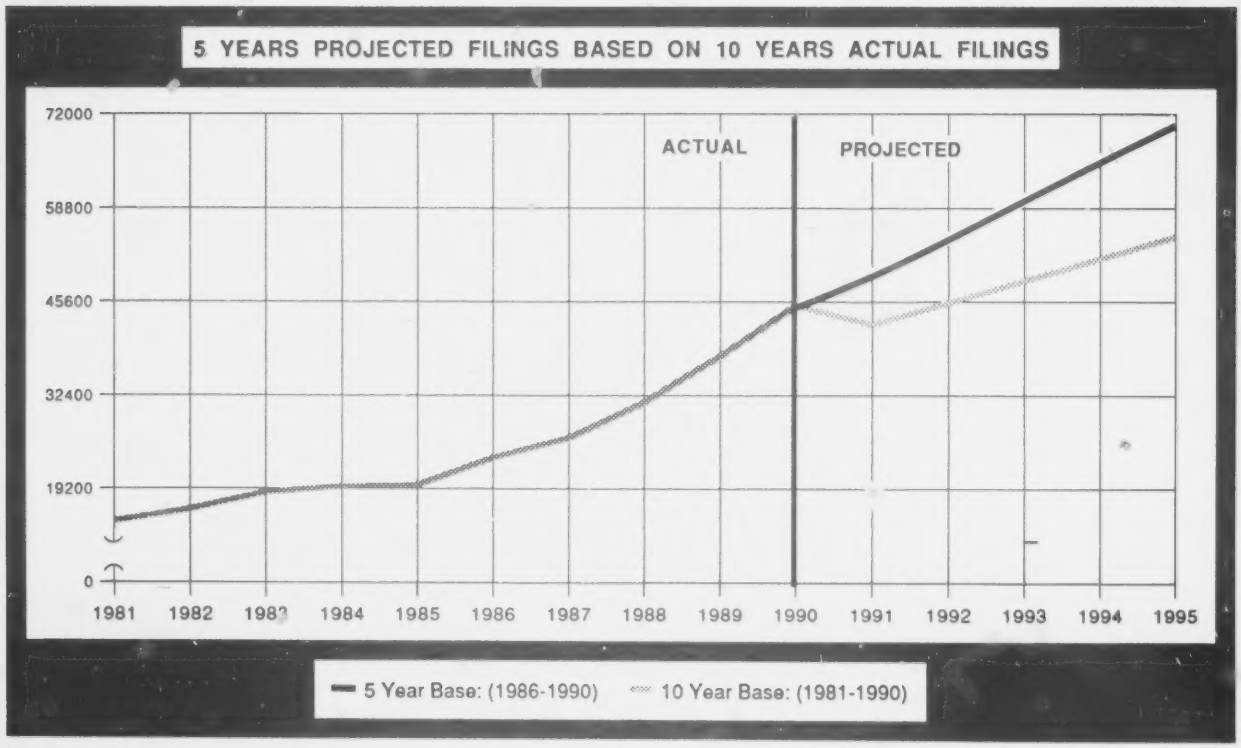


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Court of Common Pleas — Total





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court

Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge Carl Goldstein

Municipal Court

MUNICIPAL COURT
(Left to Right)
Associate Judge Leonard L. Williams
Chief Judge Alfred Fraczkowski
Associate Judge Carl G. Goldstein

Municipal Court

Legal Authorization

The Municipal Court of the City of Wilmington is authorized by 10 *Delaware Code*, Chapter 17.

Geographic Organization

The Court has jurisdiction within the geographic boundaries of Wilmington.

Legal Jurisdiction

The Municipal Court has criminal jurisdiction over traffic, misdemeanor, and municipal ordinances concurrent with the Justice of the Peace Courts and the Court of Common Pleas. The Court conducts preliminary hearings for both felonies and drug-related misdemeanors. Jury trials are not available. The Court has a Violations Division which processes all moving and parking citations.

Judges

Number: There are 3 Judges of the Municipal Court of Wilmington; at present two are full time and one is part time. Not more than 2 of the Judges may be members of the same political party.

Appointment: The Judges are nominated by the Governor, with confirmation by the Senate.

Tenure: Judges are appointed for 12-year terms.

Qualifications: The Judges must be licensed to practice law in the State of Delaware for 5 years preceding appointment.

Support Personnel

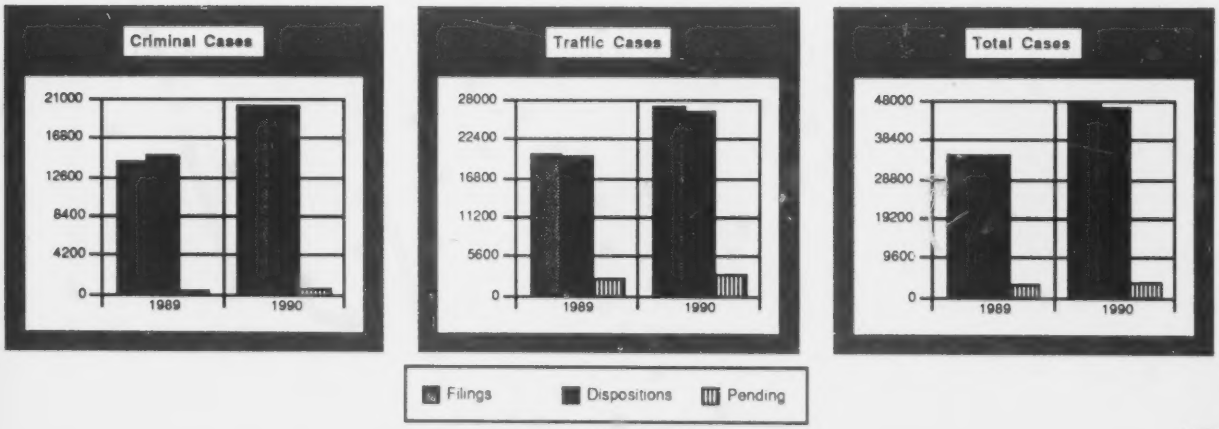
The Chief Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint deputies.

Caseload Trends

There was a 42.0% increase in criminal filings from 14,353 in FY 1989 to 20,386 in FY 1990. Criminal dispositions rose by 35.5% from 14,974 dispositions in FY 1989 to 20,283 in FY 1990. There was a 22.4% increase in criminal pending from 459 at the end of FY 1989 to 562 criminal pending at the end of FY 1990.

Traffic filings rose by 33.1% from 20,253 in FY 1989 to 26,955 in FY 1990. Traffic dispositions rose as well, to 26,561 in FY 1990 from 19,853 in FY 1989. The result was a 15.0% increase in traffic pending from 2,621 at the end of FY 1989 to 3,015 at the end of FY 1990.

Both total filings and total dispositions increased during FY 1990. Total filings rose by 36.8% to 47,341 during FY 1990 from 34,606 in FY 1989 while total dispositions increased by 34.5% from 34,827 in FY 1989 to 46,344 in FY 1990. Total pending rose by 16.1% from 3,080 at the end of FY 1989 to 3,577 at the end of FY 1990 .



Municipal Court

FISCAL YEAR 1990 – CASELOAD SUMMARY*

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
Criminal	459	20,386	20,283	562	+ 103	+ 22.4%
Traffic	2,621	26,955	26,561	3,015	+ 394	+ 15.0%
TOTALS	3,080	47,341	46,844	3,577	+ 497	+ 16.1%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

FILINGS

	1989	1990	Change	% Change
Criminal	14,353	20,386	+ 6,033	+ 42.0%
Traffic	20,253	26,955	+ 6,702	+ 33.1%
TOTALS	34,606	47,341	+12,735	+ 36.8%

COMPARISON – FISCAL YEARS 1989-1990 – CASELOAD

DISPOSITIONS

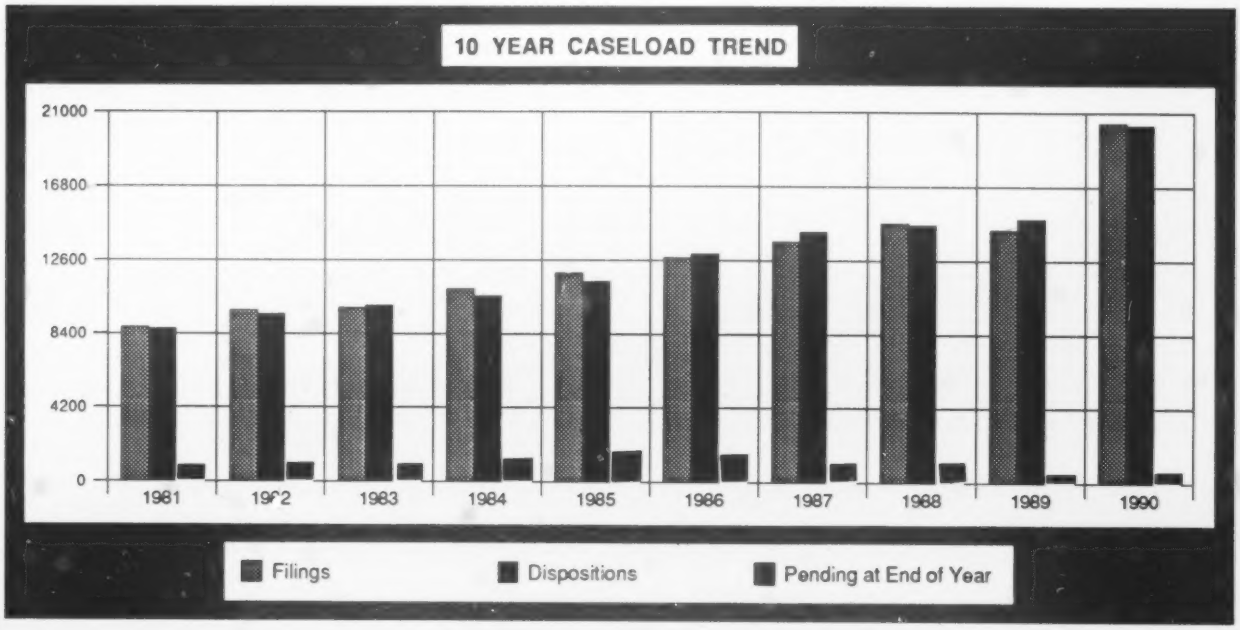
	1989	1990	Change	% Change
Criminal	14,974	20,283	+ 5,309	+ 35.5%
Traffic	19,853	26,561	+ 6,708	+ 33.8%
TOTALS	34,827	46,844	+12,017	+ 34.5%

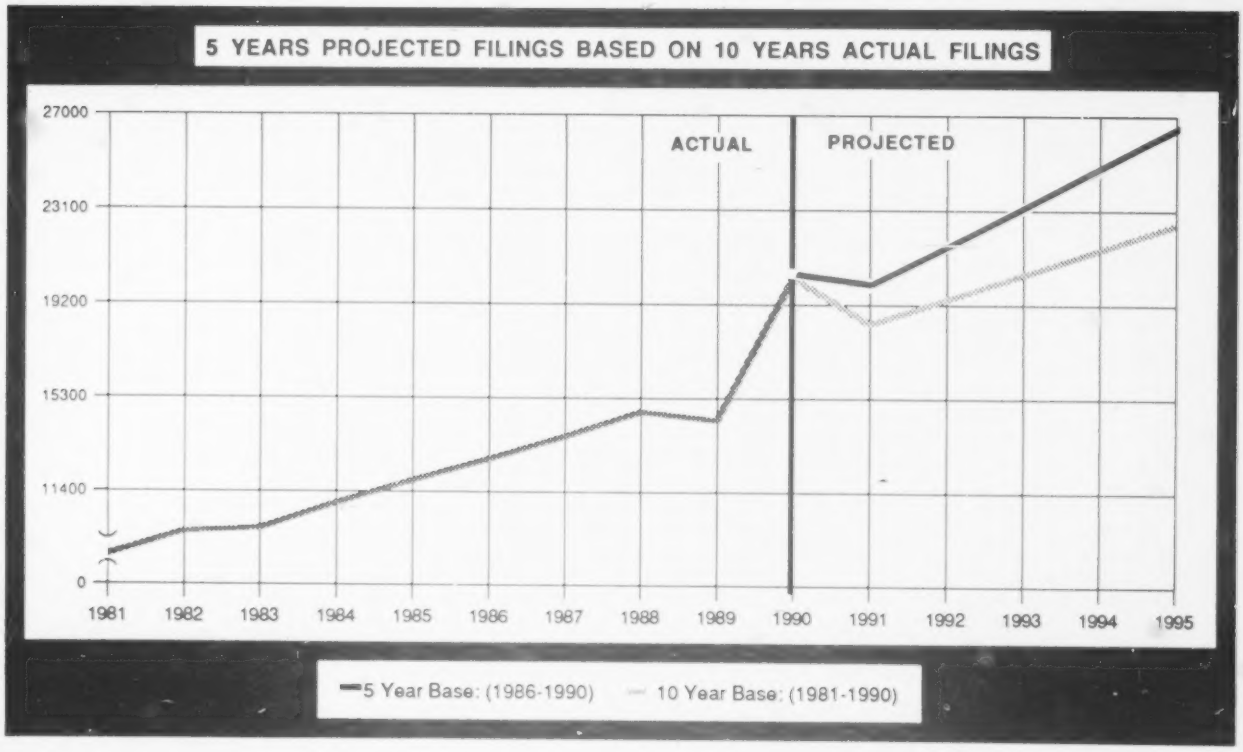
*The unit of count in Municipal Court is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

Municipal Court Area — Lobby, Public Building.

Municipal Court — Criminal

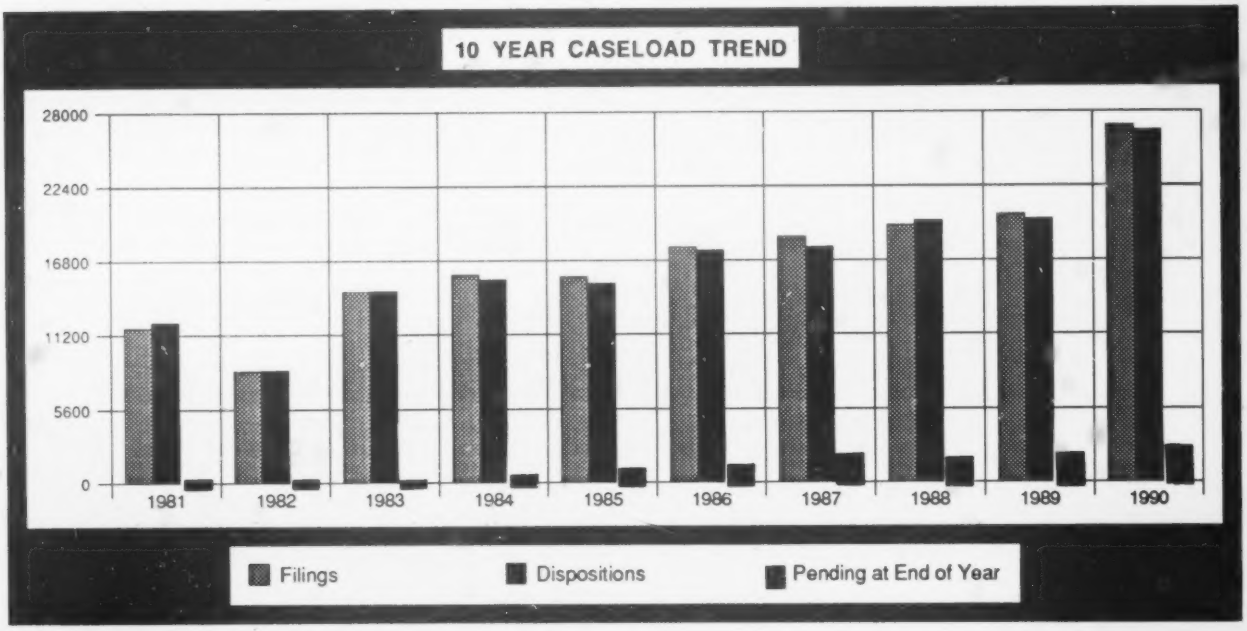


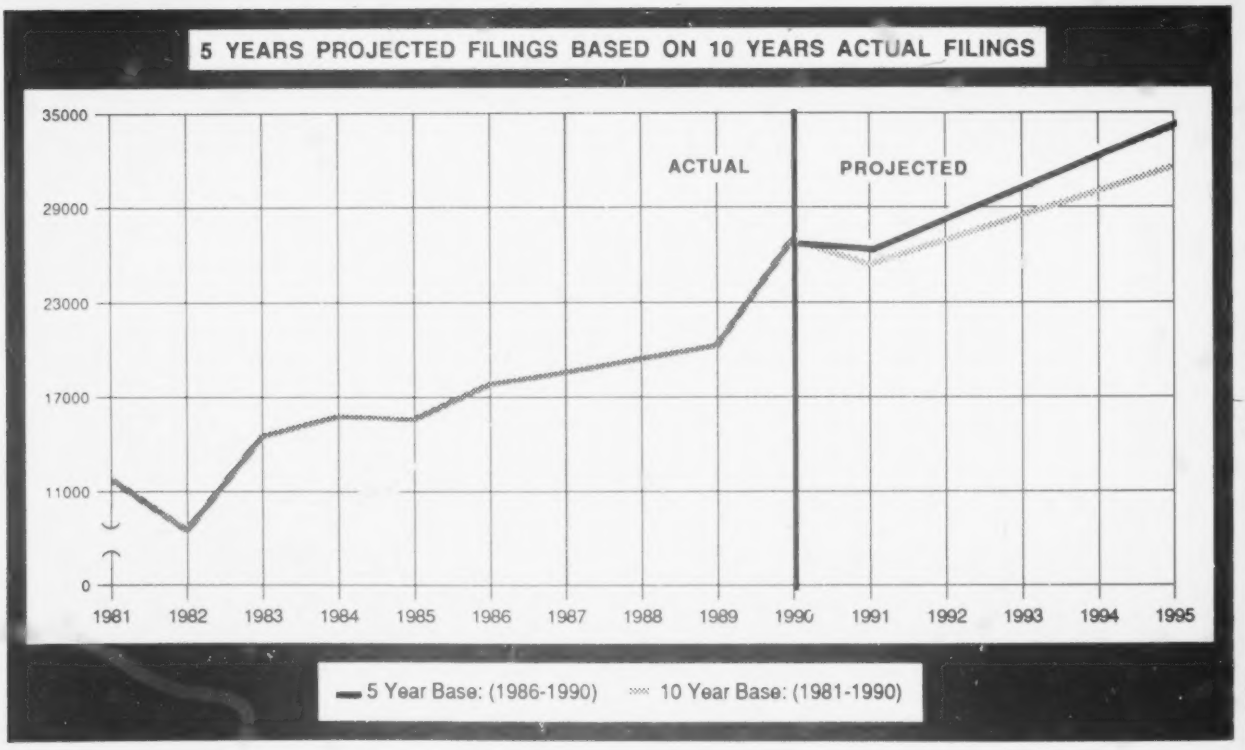


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court — Traffic

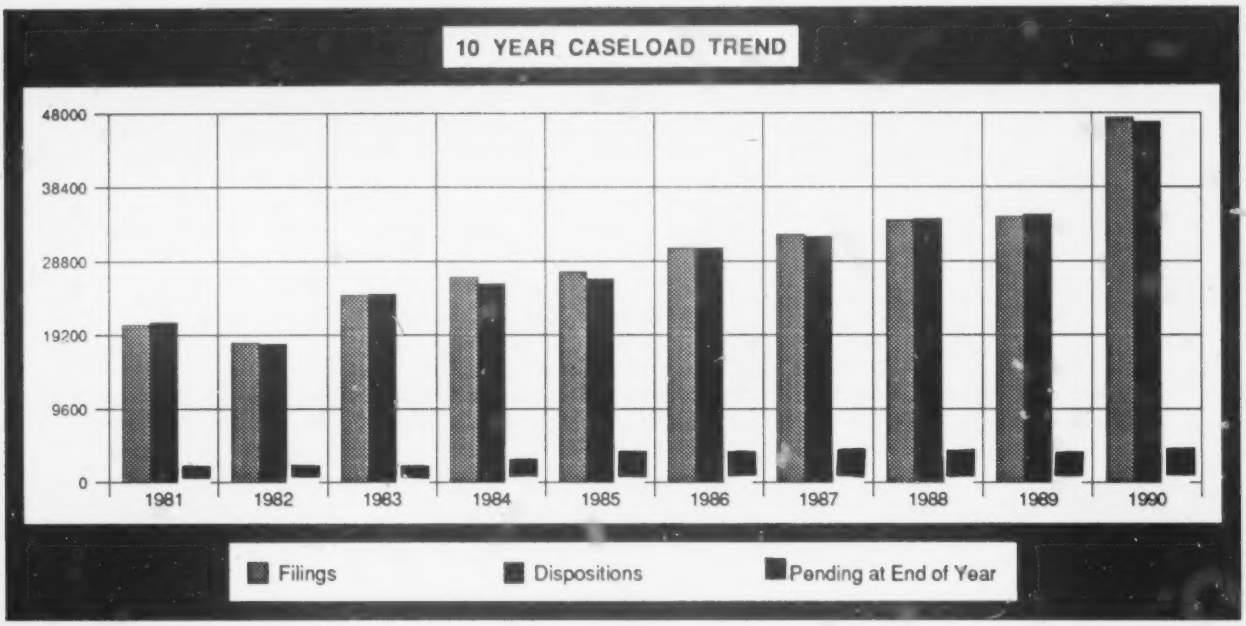


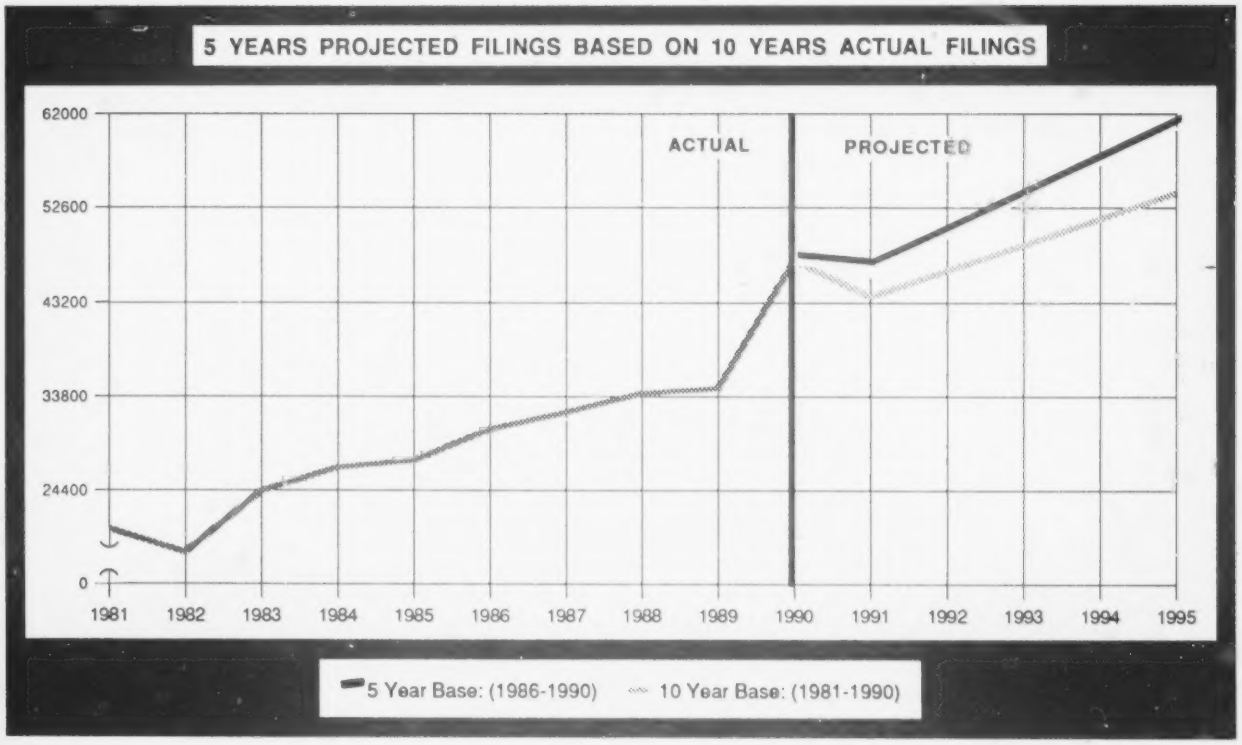


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court — Total





Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace William L. Boddy
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Justice of the Peace Ronald E. Cheeseman
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Wayne R. Hanby
Justice of the Peace William W. Henning, Jr.
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace Barbara C. Hughes
Justice of the Peace Lorin P. Hunt
Justice of the Peace Virginia W. Johnson
Justice of the Peace Vivian K. Kleinman
Justice of the Peace James C. Koehring
Deputy Chief Magistrate Morris Levenberg
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph B. Melson, Jr.
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Almetia J. Murray
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Deputy Chief Magistrate Thomas J. Orr
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace William S. Rowe
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Justice of the Peace Alice W. Stark
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Justice of the Peace Sheila G. Wilkins
Justice of the Peace William C. Wright

Justice of the Peace Courts

Justice of the Peace Courts

JUSTICE OF THE PEACE COURTS
Chief Magistrate William F. Richardson

Legal Authorization

The Justice of the Peace Courts are authorized by the *Constitution of Delaware*, Article IV, Section 1.

Court History

As early as the 1600's, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the Justices of the Peace were compensated entirely by the costs and fees accessed and collected for the performance of their legal duties.

Geographic Organization

The jurisdiction of the Courts is statewide and sessions are held throughout the State. Of the 19 Courts currently operating, 8 are in New Castle County, 4 are in Kent County and 7 are in Sussex County.

Legal Jurisdiction

During FY 1990 the Justice of the Peace Courts had jurisdiction over civil cases in which the amount in controversy did not exceed $2,500. Senate Bill 436, which increased the limit to $5,000, was signed into law on July 23, 1990. Justice of the Peace Courts are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken de novo to Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas.

Justice of the Peace

The Delaware Code authorizes a maximum of 53 Justices of the Peace. The maximum number of Justices of the Peace permitted in each county is 24 in New Castle County, 12 in Kent County and 17 in Sussex County. Justices of the Peace are nominated by the Governor and confirmed by the Senate for terms of four years. A Justice of the Peace must be at least 21 years of age and a resident of the State of Delaware and the county in which he serves. In addition to the 53 Justices of the Peace, the Governor nominates a Chief Magistrate, subject to Senate confirmation.

Support Personnel

An Administrator, two Operations Managers, an administrative officer and a fiscal administrative officer help the Chief Magistrate direct the Justice of the Peace Courts on a daily basis. The State provides clerks of the court, constables and other personnel for the courts.

Justice of the Peace Courts

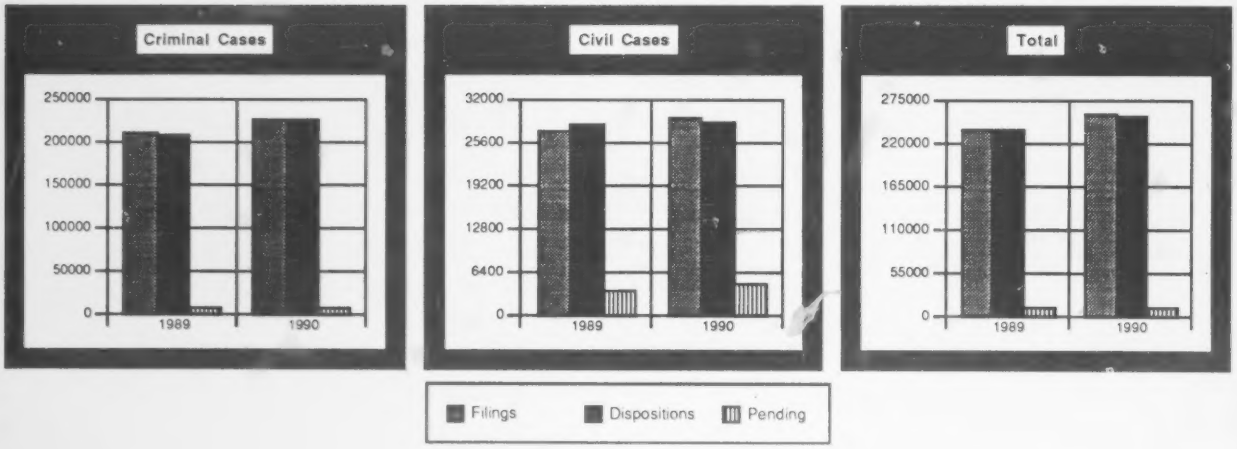
Caseload Trends

A comparison of caseload activity in the Justice of the Peace Courts between fiscal years 1989 and 1990 need not focus on whether there was an increase or a decrease but rather only needs to consider the level of the increase. Criminal filings, dispositions, and pending at the end of the year all rose as did civil filings, dispositions, and pending at the end of the year. This resulted in increases in total filings, dispositions, and pendings at the end of the year..

Criminal fillings rose by 8.5% from 209,844 in FY 1989 to 227,631 in FY 1990. Criminal dipositions were up by 8.7% to 226.959 in FY 1990 from 208,820 in FY 1989. There was a 10.7% rise in criminal pending from 6,288 at the end of FY 1989 to 6,960 at the end of FY 1990.

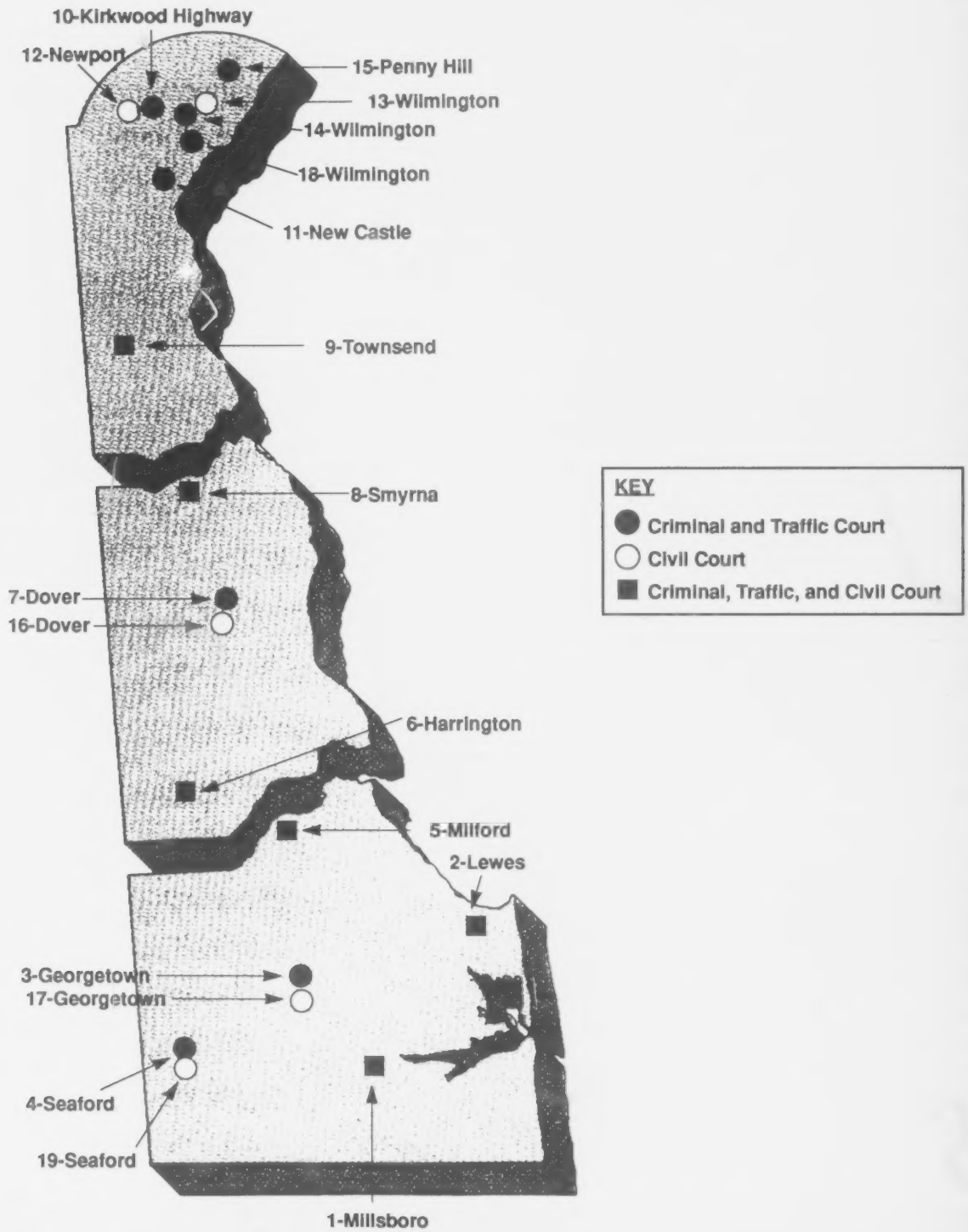
Civil filings increased by 8.3% from 27,176 in FY 1989 to 29,432 in FY 1990. Civil dispositions rose but only by 1.3% to 28,594 in FY 1990 from 28,240 in FY 1989. The greater level of increase in civil filings than in civil dispositions led to a 22.0% rise in civil pendings from 3,802 at the end of FY 1989 to 4,640 at the end of FY 1990.

The increases in all aspects of criminal and civil activity assured that there would be rises in all levels of total activity. Total filings were up by 8.5% to 257,063 in FY 1990 from 237,020 in FY 1989. Total dispositions rose by 7.8% from 237,060 in FY 1989 to 255,553 in FY 1990. After dropping slightly in the previous year, total pending increased by 15.0% to 11,600 at the end of FY 1990 from 10,090 at the end of FY 1989.



New JP Court #3 /17
— Georgetown, Delaware.

Justice of the Peace Courts



Justice of the Peace Courts

FISCAL YEAR 1990 CRIMINAL AND TRAFFIC CASES* – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle County						
Court 9	93	13,732	13,728	97	+ 4	+ 4.3%
Court 10	505	25,741	25,329	917	+ 412	+ 81.6%
Court 11	3,617	42,003	42,058	3,562	– 55	- 1.5%
Court 14**	0	0	0	0	0	—
Court 15	0	16,894	16,751	143	+ 143	—
Court 18	0	9,750	9,750	0	0	—
Kent County						
Court 6	7	9,527	9,526	8	+ 1	+ 14.3%
Court 7	1,195	39,035	38,861	1,369	+ 174	+ 14.6%
Court 8	17	2,189	2,195	11	– 6	– 35.3%
Sussex County						
Court 1	29	6,069	6,085	13	– 16	– 55.2%
Court 2	162	18,259	18,364	57	– 105	– 64.8%
Court 3	509	22,395	22,342	562	+ 53	+ 10.4%
Court 4	152	17,708	17,674	186	+ 34	+ 22.4%
Court 5	2	4,329	4,296	35	+ 33	+1650.0%
State	6,288	227,631	226,959	6,960	+ 672	+ 10.7%

FISCAL YEAR 1990 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS

FILINGS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	78	0.6%	291	2.1%	13,028	94.9%	335	2.4%	13,732	100.0%
Court 10	259	1.0%	3,190	12.4%	20,569	79.9%	1,723	6.7%	25,741	100.0%
Court 11	527	1.3%	11,431	27.2%	26,483	63.1%	3,562	8.5%	42,003	100.0%
Court 14**	0	–	0	–	0	–	0	–	0	–
Court 15	39	0.2%	1,741	10.3%	15,098	89.4%	16	0.1%	16,894	100.0%
Court 18	0	0.0%	6,590	67.6%	839	8.6%	2,321	23.8%	9,750	100.0%
Kent County										
Court 6	35	0.4%	459	4.8%	8,765	92.0%	268	2.8%	9,527	100.0%
Court 7	478	1.2%	6,764	17.3%	28,507	73.0%	3,286	8.4%	39,035	100.0%
Court 8	74	3.4%	298	13.6%	1,588	72.5%	229	10.5%	2,189	100.0%
Sussex County										
Court 1	327	5.4%	1,233	20.3%	4,279	70.5%	230	3.8%	6,069	100.0%
Court 2	421	2.3%	1,251	6.9%	16,322	89.4%	265	1.5%	18,259	100.0%
Court 3	159	0.7%	7,459	33.3%	13,678	61.1%	1,099	4.9%	22,395	100.0%
Court 4	174	1.0%	1,902	10.7%	15,355	86.7%	277	1.6%	17,708	100.0%
Court 5	66	1.5%	602	13.9%	3,527	81.5%	134	3.1%	4,329	100.0%
State	2,637	1.2%	43,211	19.0%	168,038	73.8%	13,745	6.0%	227,631	100.0%

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

FISCAL YEAR 1990 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS (cont'd.)

DISPOSITIONS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	150	1.1%	282	2.1%	12,970	94.5%	326	2.4%	13,728	100.0%
Court 10	255	1.0%	3,149	12.4%	20,367	80.4%	1,558	6.2%	25,329	100.0%
Court 11	478	1.1%	11,451	27.2%	26,096	62.0%	4,033	9.6%	42,058	100.0%
Court 14**	0	-	0	-	0	-	0	-	0	-
Court 15	39	0.2%	1,663	9.9%	15,033	89.7%	16	0.1%	16,751	100.0%
Court 18	0	0.0%	6,590	67.6%	839	8.6%	2,321	23.8%	9,750	100.0%
Kent County										
Court 6	35	0.4%	459	4.8%	8,764	92.0%	268	2.8%	9,526	100.0%
Court 7	484	1.2%	6,746	17.4%	28,393	73.1%	3,238	8.3%	38,861	100.0%
Court 8	73	3.3%	300	13.7%	1,591	72.5%	231	10.5%	2,195	100.0%
Sussex County										
Court 1	329	5.4%	1,235	20.3%	4,293	70.6%	228	3.7%	6,085	100.0%
Court 2	426	2.3%	1,262	6.9%	16,411	89.4%	265	1.4%	18,364	100.0%
Court 3	159	0.7%	7,453	33.4%	13,629	61.0%	1,101	4.9%	22,342	100.0%
Court 4	172	1.0%	1,895	10.7%	15,326	86.7%	281	1.6%	17,674	100.0%
Court 5	65	1.5%	598	13.9%	3,499	81.4%	134	3.1%	4,296	100.0%
State	2,665	1.2%	43,083	19.0%	167,211	73.7%	14,000	6.2%	226,959	100.0%

FISCAL YEAR 1990 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Title 7 Fish/Game	Title 11 Criminal	Title 21 Traffic	Miscellaneous	TOTALS
New Castle County					
Court 9	– 72	+ 9	+ 58	+ 9	+ 4
Court 10	+ 4	+ 41	+ 202	+ 165	+ 412
Court 11	+ 49	– 20	+ 387	– 471	– 55
Court 14**	0	0	0	0	0
Court 15	0	+ 78	+ 65	0	+ 143
Court 18	0	0	0	0	0
Kent County					
Court 6	0	0	+ 1	0	+ 1
Court 7	– 6	+ 18	+ 114	+ 48	+ 174
Court 8	+ 1	– 2	– 3	– 2	– 6
Sussex County					
Court 1	– 2	– 2	– 14	+ 2	– 16
Court 2	– 5	– 11	– 89	0	– 105
Court 3	0	+ 6	+ 49	– 2	+ 53
Court 4	+ 2	+ 7	+ 29	– 4	+ 34
Court 5	+ 1	+ 4	+ 28	0	+ 33
State	– 28	+ 128	+ 827	– 255	+ 672

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1990 CRIMINAL AND TRAFFIC CASES* – TYPES OF DISPOSITIONS

	By Mail-In Fine		By Court/Counsel Appearance		TOTALS	
New Castle County						
Court 9	10,813	78.8%	2,915	21.2%	13,728	100.0%
Court 10	11,084	43.8%	14,245	56.2%	25,329	100.0%
Court 11	12,033	28.6%	30,025	71%	42,058	100.0%
Court 14**	0	—	0	—	0	—
Court 15	6,269	37.4%	10,482	62.6%	16,751	100.0%
Court 18	0	0.0%	9,750	100.0%	9,750	100.0%
Kent County						
Court 6	7,341	77.1%	2,185	22.9%	9,526	100.0%
Court 7	15,732	40.5%	23,129	59.5%	38,861	100.0%
Court 8	941	42.9%	1,254	57.1%	2,195	100.0%
Sussex County						
Court 1	3,776	62.1%	2,309	37.9%	6,085	100.0%
Court 2	9,642	52.5%	8,722	47.5%	18,364	100.0%
Court 3	6,729	30.1%	15,613	69.9%	22,342	100.0%
Court 4	9,646	54.6%	8,028	45.4%	17,674	100.0%
Court 5	2,028	47.2%	2,268	52.8%	4,296	100.0%
State	96,034	42.3%	130,925	57.7%	226,959	100.0%

COMPARISON - FISCAL YEARS 1989-1990 CRIMINAL AND TRAFFIC CASES* – CASELOAD

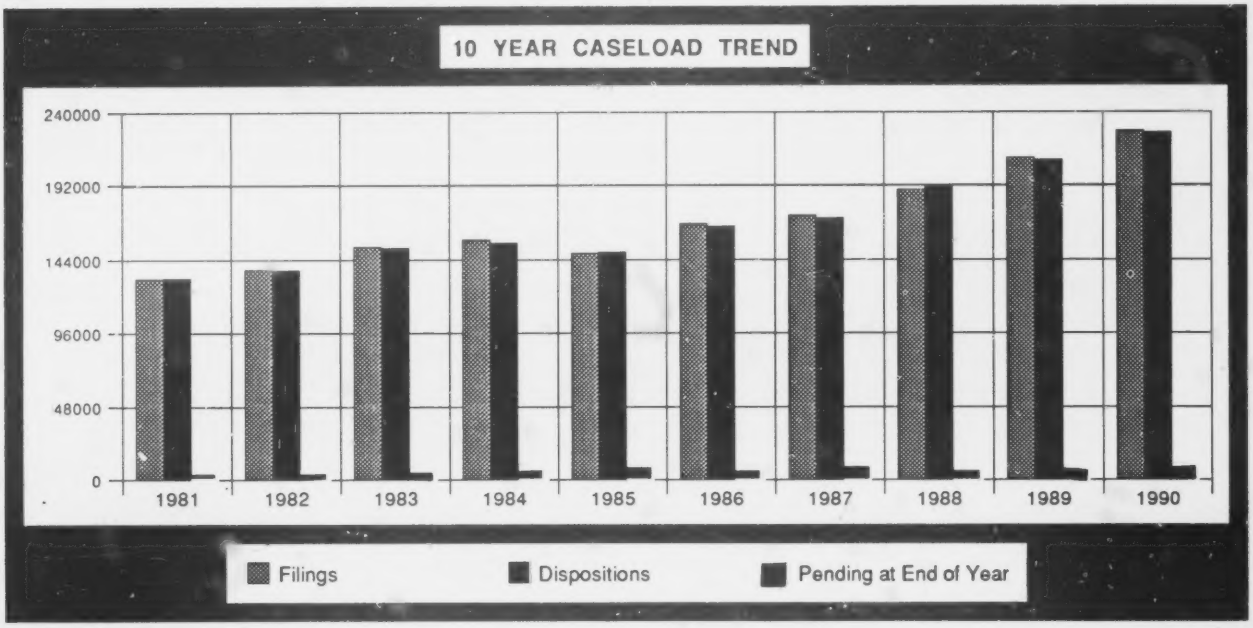
	FILINGS				DISPOSITIONS			
	1989	1990	Change	% Change	1989	1990	Change	% Change
New Castle County								
Court 9	9,360	13,732	+ 4,372	+ 46.7%	9,285	13,728	+ 4,443	+ 47.8%
Court 10	23,767	25,741	+ 1,974	+ 8.3%	23,513	25,329	+ 1,316	+ 7.7%
Court 11	44,482	42,003	– 2,479	– 5.6%	43,971	42,058	– 1,913	– 4.4%
Court 14**	0	0	0	–	0	0	0	–
Court 15	19,035	16,894	– 2,141	– 11.2%	19,035	16,751	– 2,284	– 12.0%
Court 18	9,079	9,750	+ 671	+ 7.4%	9,079	9,750	+ 671	+ 7.4%
Kent County								
Court 6	8,123	9,527	+ 1,404	+ 17.3%	8,137	9,526	+ 1,389	+ 17.1%
Court 7	35,624	39,035	+ 3,411	+ 9.6%	35,195	38,861	+ 3,666	+ 10.4%
Court 8	2,793	2,189	– 604	– 21.6%	2,992	2,195	– 797	– 26.6%
Sussex County								
Court 1	4,749	6,069	+ 1,320	+ 27.8%	4,752	6,085	+ 1,333	+ 28.1%
Court 2	18,126	18,259	+ 133	+ 0.7%	18,352	18,364	+ 12	+ 0.1%
Court 3	16,924	22,395	+ 5,471	+ 32.3%	16,744	22,342	+ 5,598	+ 33.4%
Court 4	15,410	17,708	+ 2,298	+ 14.9%	15,351	17,674	+ 2,323	+ 15.1%
Court 5	2,372	4,329	+ 1,957	+ 82.5%	2,414	4,296	+ 1,882	+ 78.0%
State	209,844	227,631	+17,787	+ 8.5%	208,820	226,959	+18,139	+ 8.7%

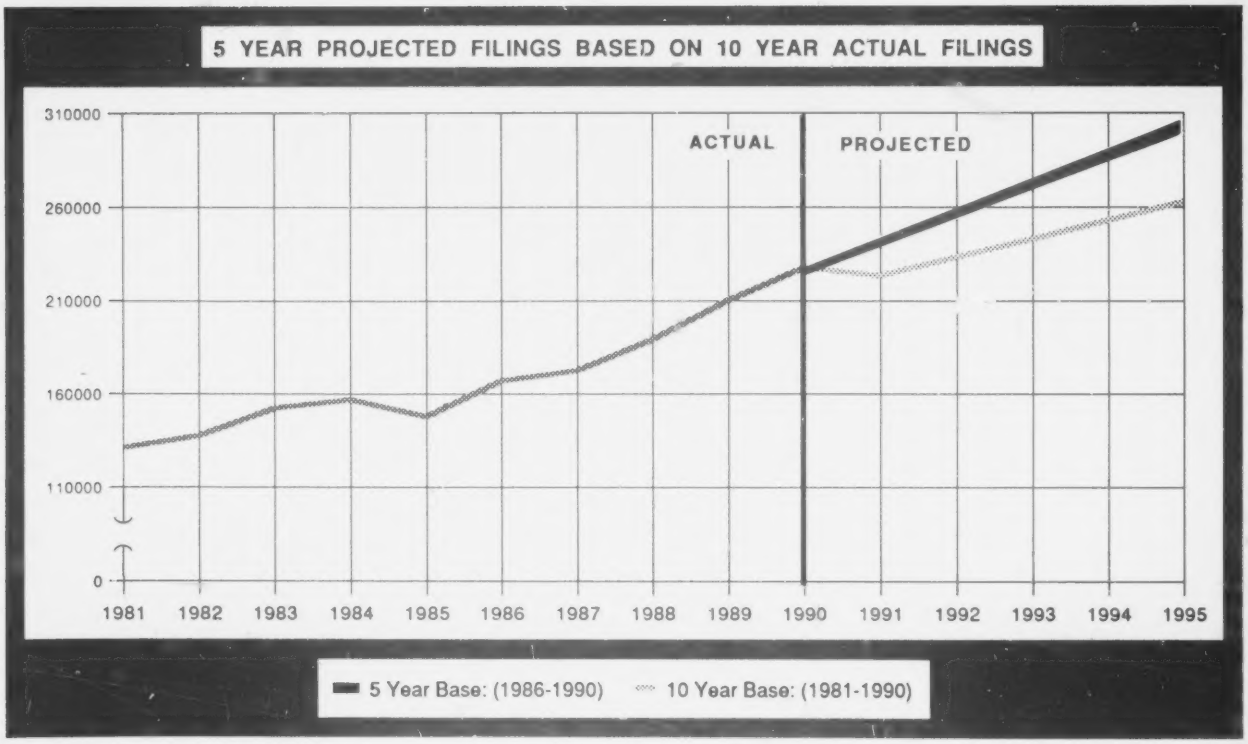
* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts — Criminal





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1990 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change In Pending	% Change In Pending
New Castle County						
Court 9	8	388	323	73	+ 65	+ 812.5%
Court 12	1,463	7,980	8,088	1,355	– 108	– 7.4%
Court 13	657	8,643	8,243	1,057	+ 400	+ 60.9%
Kent County						
Court 6	22	1,472	1,489	5	– 17	– 77.3%
Court 16	681	3,760	3,591	850	+ 169	+ 24.8%
Court 8	83	519	520	82	– 1	– 1.2%
Sussex County						
Court 1	91	703	692	102	+ 11	+ 12.1%
Court 2	36	685	657	64	+ 28	+ 77.8%
Court 17	211	2,113	2,116	208	– 3	– 1.4%
Court 19	104	1,513	1,450	167	+ 63	+ 60.6%
Court 5	446	1,656	1,425	677	+ 231	+ 51.8%
State	3,802	29,432	28,594	4,640	+ 838	+ 22.0%

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

	FILINGS						DISPOSITIONS					
	Complaints		Landlord/Tenant		TOTALS		Complaints		Landlord/Tenant		TOTALS	
New Castle County												
Court 9	319	82.2%	69	17.8%	388	100.0%	249	77.1%	74	22.9%	323	100.0%
Court 12	4,473	56.1%	3,507	43.9%	7,980	100.0%	4,466	55.2%	3,622	44.8%	8,088	100.0%
Court 13	5,875	68.0%	2,768	32.0%	8,643	100.0%	5,660	68.7%	2,583	31.3%	8,243	100.0%
Kent County												
Court 6	1,385	94.1%	87	5.9%	1,472	100.0%	1,402	94.2%	87	5.8%	1,489	100.0%
Court 16	2,740	72.9%	1,020	27.1%	3,760	100.0%	2,667	74.3%	924	25.7%	3,591	100.0%
Court 8	459	88.4%	60	11.6%	519	100.0%	457	87.9%	63	12.1%	520	100.0%
Sussex County												
Court 1	434	61.7%	269	38.3%	703	100.0%	362	52.3%	330	47.7%	692	100.0%
Court 2	485	70.8%	200	29.2%	685	100.0%	470	71.5%	187	28.5%	657	100.0%
Court 17	1,999	94.6%	114	5.4%	2,113	100.0%	2,007	94.8%	109	5.2%	2,116	100.0%
Court 19	1,229	81.2%	284	18.8%	1,513	100.0%	1,155	79.7%	295	20.3%	1,450	100.0%
Court 5	1,599	96.6%	57	3.4%	1,656	100.0%	1,368	96.0%	57	4.0%	1,425	100.0%
State	20,997	71.3%	8,435	28.7%	29,432	100.0%	20,263	70.9%	8,331	29.1%	28,594	100.0%

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts

Justice of the Peace Courts

FISCAL YEAR 1990 CIVIL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

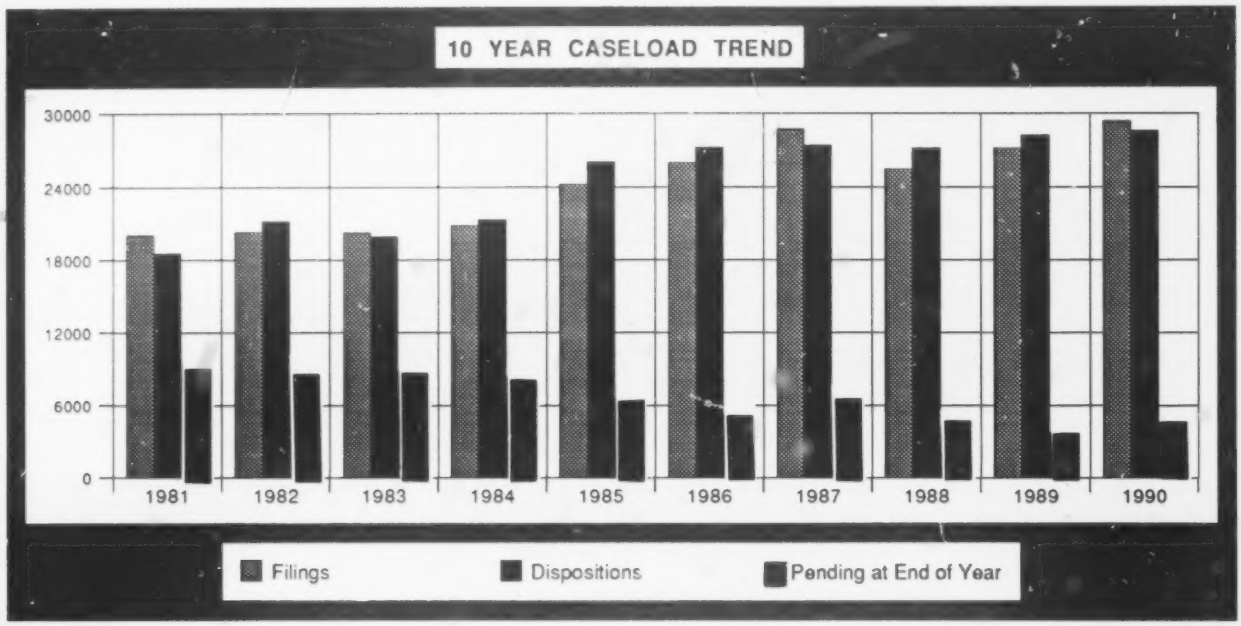
	Complaints	Landlord/Tenant	TOTALS
New Castle County			
Court 9	+ 70	– 5	+ 65
Court 12	+ 7	– 115	– 108
Court 13	+ 215	+ 185	+ 400
Kent County			
Court 6	– 17	0	– 17
Court 16	+ 73	+ 96	+ 169
Court 8	+ 2	– 3	– 1
Sussex County			
Court 1	+ 72	– 61	+ 11
Court 2	+ 15	+ 13	+ 28
Court 17	– 8	+ 5	– 3
Court 19	+ 74	– 11	+ 63
Court 5	+ 231	0	+ 231
State	+ 734	+ 104	+ 838

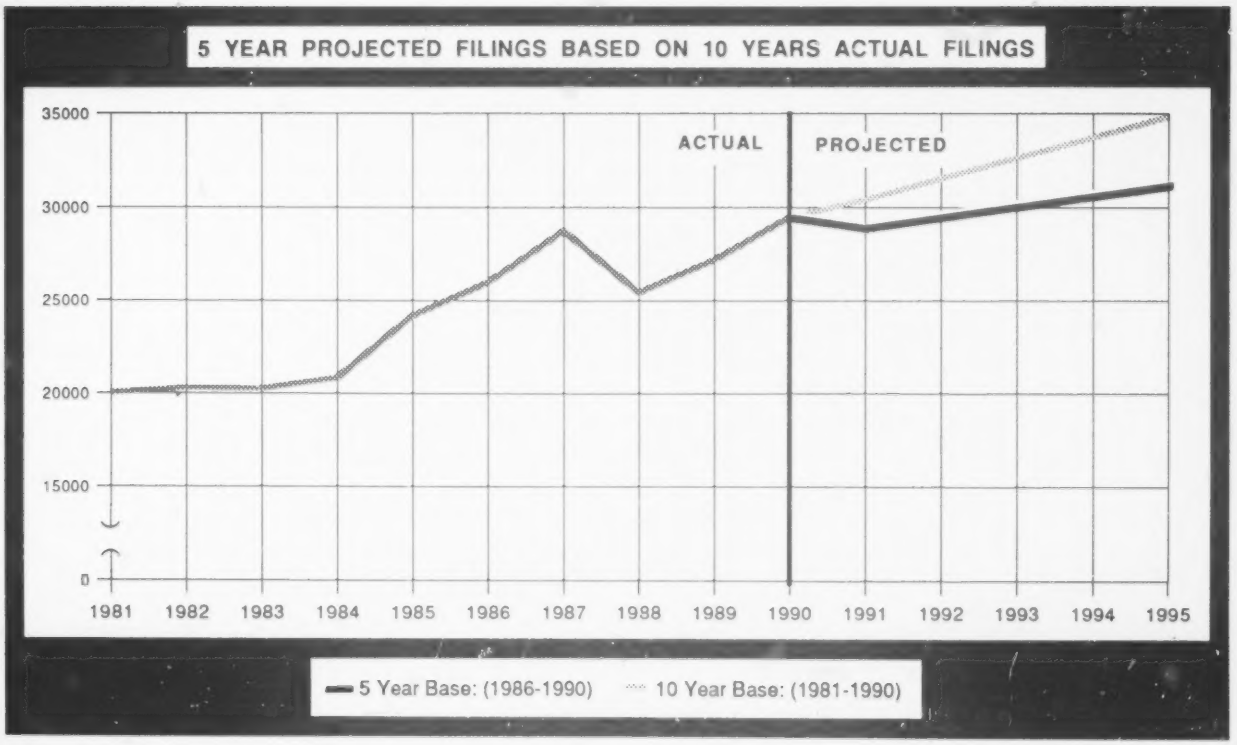
COMPARISON - FISCAL YEARS 1989-1990 CIVIL CASES – CASELOAD

	FILINGS				DISPOSITIONS			
	1989	1990	Change	% Change	1989	1990	Change	% Change
New Castle County								
Court 9	383	388	+ 5	+ 1.3%	404	323	– 81	– 20.0%
Court 12	7,411	7,980	+ 569	+ 7.7%	7,980	8,088	+ 108	+ 1.4%
Court 13	7,981	8,643	+ 662	+ 8.3%	8,580	8,243	– 337	– 3.9%
Kent County								
Court 6	1,212	1,472	+ 260	+ 21.4%	1,201	1,489	+ 288	+ 24.0%
Court 16	4,020	3,760	– 260	– 6.5%	3,875	3,591	– 284	– 7.3%
Court 8	472	519	+ 47	+ 10.0%	653	520	– 133	– 20.4%
Sussex County								
Court 1	638	703	+ 65	+ 10.2%	594	692	+ 98	+ 16.5%
Court 2	566	685	+ 119	+ 21.0%	572	657	+ 85	+ 14.9%
Court 17	1,721	2,113	+ 392	+ 22.8%	1,765	2,116	+ 351	+ 19.9%
Court 19	1,401	1,513	+ 112	+ 8.0%	1,382	1,450	+ 68	+ 4.9%
Court 5	1,371	1,656	+ 285	+ 20.8%	1,234	1,425	+ 191	+ 15.5%
State	27,176	29,432	+ 2,256	+ 8.3%	28,240	28,594	+ 354	+ 1.3%

Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts — Civil





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Justice of the Peace Courts

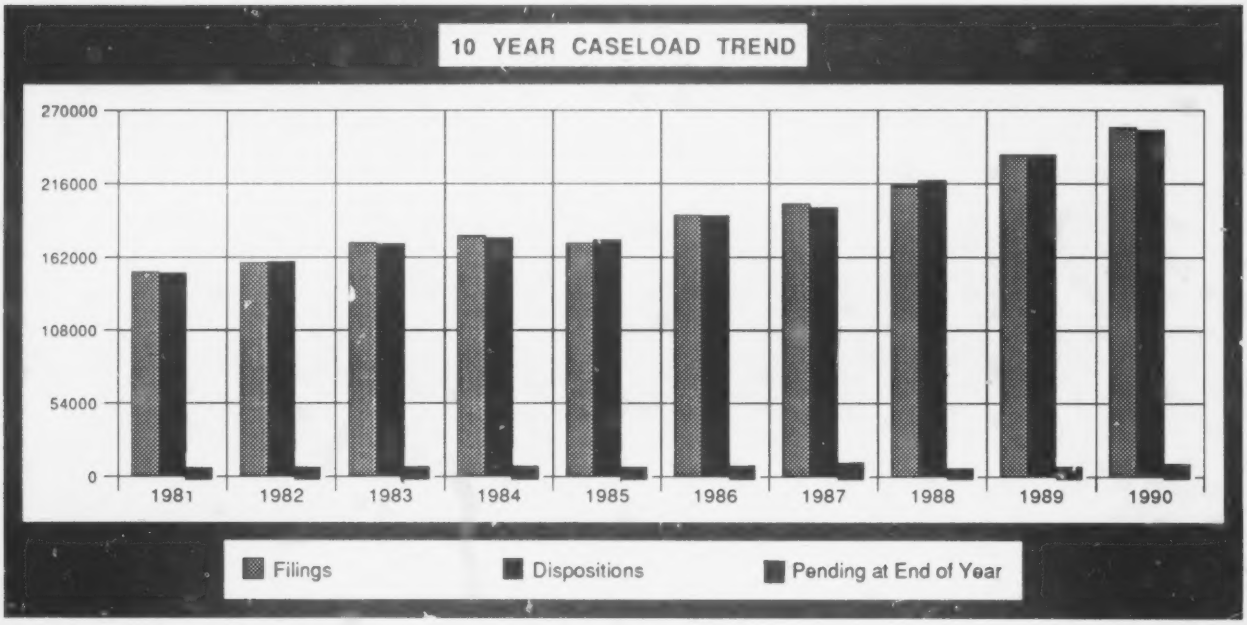
FISCAL YEAR 1990 RANKINGS IN ORDER OF TOTAL CASES FILED

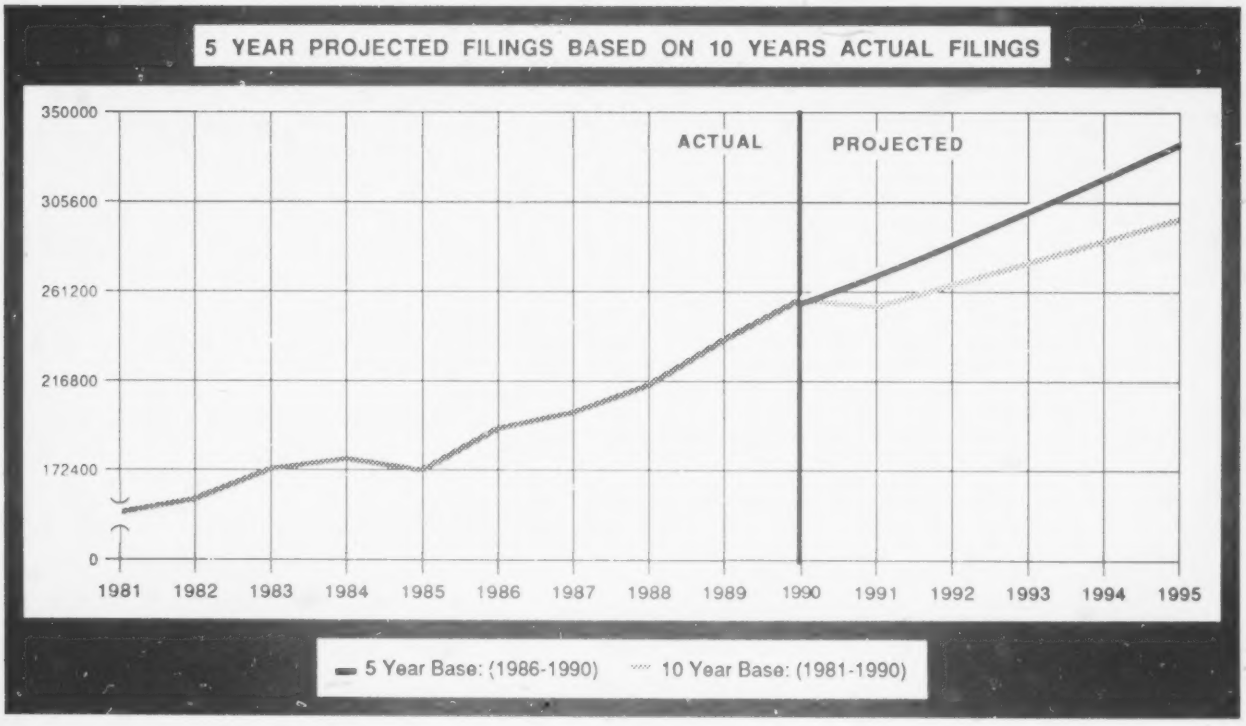
Rank	Court #	Total Number of Cases Filed*	Percentage of Total	FY 1989 Rank
1	11	42,003	16.3%	1
2	7	39,035	15.2%	2
3	10	25,741	10.0%	3
4	3	22,395	8.7%	6
5	2	18,944	7.4%	5
6	4	17,708	6.9%	7
7	15	16,894	6.6%	4
8	9	14,120	5.5%	8
9	6	10,999	4.3%	9
10	18	9,750	3.8%	10
11	13	8,643	3.4%	11
12	12	7,980	3.1%	12
13	1	6,772	2.6%	13
14	5	5,985	2.3%	15
15	16	3,760	1.5%	14
16	8	2,708	1.1%	16
17	17	2,113	0.8%	17
18	19	1,513	0.6%	18
19	14**	0	0.0%	19
State		257,063	100.0%	

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.
** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Clerical Area — JP
Court #13

Justice of the Peace Courts — Total





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Alderman's Courts

Chief Alderman Thomas B. Ferry (Newark)
Deputy Chief Alderman Richard A. Barton (Fenwick Island)
Mayor Patricia Blevins (Elsmere)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Marilyn F. Denny (Ocean View)
Mayor John F. Klingmeyer (New Castle)
Alderman Annette Leech (Newport)
Alderman Kathy Lingo (Bridgeville)
Alderman James C. Pope, II (Dewey Beach)
Alderman J. Joseph Tansey (Bethany Beach)
Alderman Edward Walmsley, Jr. (Laurel)
Alderman Linda H. Walmsley (Delmar)

Alderman's Courts

Legal Authorization

Alderman's Courts are authorized by the town charters of their respective municipalities.

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were 12 active Alderman's or Mayor's Courts at the start of FY 1989; four in New Castle County and eight in Sussex County. When a town is without a Court or an Alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Legal Jurisdiction

The jurisdiction of an Alderman's Court is limited to misdemeanors, traffic offenses, parking violations and minor civil matters. The specific jurisdiction of each court varies with the town charter (which is approved by the State Legislature). Appeals are taken de novo to Superior Court within 15 days of the trial.

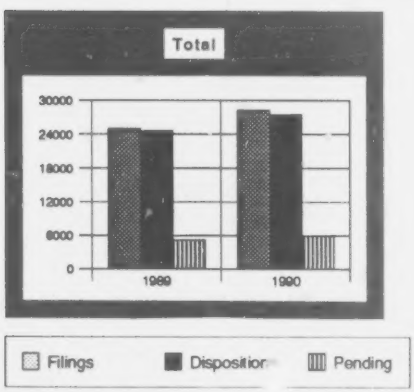
Aldermen

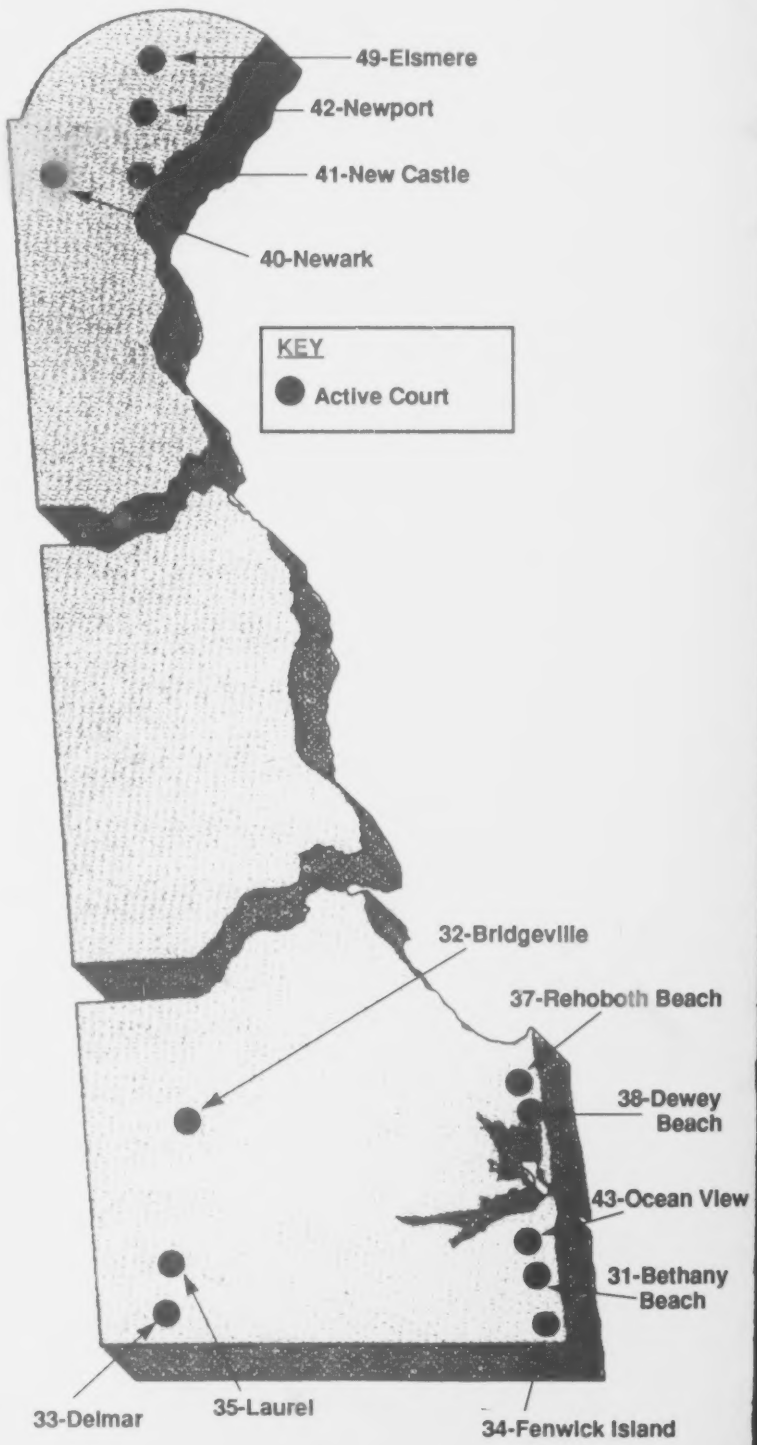
The selection, number, tenure and qualifications of Aldermen are determined by the towns themselves. Some require lawyers while others choose ordinary citizens. A few Aldermen serve full-time, while some are part-time judges. In New Castle, the Mayor serves as Judge of their Court.

Caseload Trends

Total filings rose by 13.2% from an amended total of 25,015 in FY 1989 to 28,307 in FY 1990. Total dispositions were up as well, increasing by 11.8% to 27,512 in FY 1990 from an amended total of 24,601 in FY 1989. These were record levels for both the number of total filings and dispositions.

The number of total pending rose by 15.4% during FY 1990 from an amended total of 5,154 during FY 1989 to 5,949 at the end of FY 1990.





Alderman's Courts

FISCAL YEAR 1990 TOTAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle County						
Elsmere**	***16	3,422	3,356	82	+ 66	+ 412.5%
Newark	*4,040	9,422	8,610	4,852	+ 812	+ 20.1%
New Castle	2	722	724	0	– 2	– 100.0%
Newport**	148	4,548	4,645	51	– 97	– 65.5%
Sussex County						
Bethany Beach	***206	1,722	1,928	0	– 206	– 100.0%
Bridgeville	128	2,189	1,892	425	+ 297	+ 232.0%
Delmar	156	303	285	174	+ 18	+ 11.5%
Dewey Beach	***0	1,551	1,551	0	0	—
Fenwick Island	0	930	930	0	0	—
Laurel	203	1,386	1,323	266	+ 63	+ 31.0%
Ocean View	0	136	136	0	0	—
Rehoboth Beach	255	1,976	2,132	99	– 156	– 61.2%
TOTALS	***5,154	28,307	27,512	5,949	+ 795	+ 15.4%

FISCAL YEAR 1990 CRIMINAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle County						
Elsmere	0	0	0	0	0	—
Newark	1,330	3,330	3,053	1,607	+ 277	+ 20.8%
New Castle	***1	0	1	0	– 1	– 100.0%
Newport	0	0	0	0	0	—
Sussex County						
Bethany Beach	***0	54	54	0	0	—
Bridgeville	0	435	435	0	0	—
Delmar	45	61	45	61	+ 16	+ 35.6%
Dewey Beach	***0	1,093	1,093	0	0	—
Fenwick Island	0	5	5	0	0	—
Laurel	109	455	435	129	+ 20	+ 18.3%
Ocean View	0	0	0	0	0	—
Rehoboth Beach	5	243	247	1	– 4	– 80.0%
TOTALS	***1,490	5,676	5,368	1,798	+ 308	+ 20.7%

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as 3 dispositions.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

***Amended from 1989 Annual Report.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

FISCAL YEAR 1990 TRAFFIC CASES* – CASELOAD SUMMARY

Court	Pending 6/30/89	Filings	Dispositions	Pending 6/30/90	Change in Pending	% Change in Pending
New Castle County						
Elsmere**	***16	3,422	3,356	82	+ 66	+ 412.5%
Newark	2,710	6,092	5,557	3,245	+ 535	+ 19.7%
New Castle	1	722	723	0	– 1	– 100.0%
Newport**	148	4,548	4,645	51	– 97	– 65.5%
Sussex County						
Bethany Beach	206	1,668	1,874	0	– 206	– 100.0%
Bridgeville	128	1,754	1,457	425	+ 297	+ 232.0%
Delmar	111	242	240	113	+ 2	+ 1.8%
Dewey Beach	***0	458	458	0	0	—
Fenwick Island	0	925	925	0	0	—
Laurel	94	931	888	137	+ 43	+ 45.7%
Ocean View	0	136	136	0	0	—
Rehoboth Beach	250	1,733	1,885	98	– 152	– 60.8%
TOTALS	***3,664	22,631	22,144	4,151	+ 487	+ 13.3%

COMPARISON – FISCAL YEARS 1989-1990 TOTAL CASES– CASELOAD

Number of Filings*

COURT	1989	1990	Change	% Change
New Castle				
Elsmere**	1,345	3,422	+ 2,077	+ 154.4%
Newark	8,189	9,422	+ 1,233	+ 15.1%
New Castle	462	722	+ 260	+ 56.3%
Newport**	4,435	4,548	+ 113	+ 2.5%
Sussex County				
Bethany Beach	1,691	1,722	+ 31	+ 1.8%
Bridgeville	2,411	2,189	– 222	– 9.2%
Delmar	412	303	– 109	– 26.5%
Dewey Beach	***986	1,551	+ 565	+ 57.3%
Fenwick Island	1,365	930	– 435	– 31.9%
Laurel	1,013	1,386	+ 373	+ 36.8%
Ocean View	143	136	– 7	– 4.9%
Rehoboth Beach	2,563	1,976	– 587	– 22.9%
TOTALS	***25,015	28,307	+ 3,292	+ 13.2%

*The unit of count in traffic and criminal cases is the charge. For example, a defendant with three charges disposed of is counted as three defendants.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

***Amended from 1989 Annual Report.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

COMPARISON – FISCAL YEARS 1989-1990 TOTAL CASES– CASELOAD (cont'd.)

Number of Dispositions*

COURT	1989	1990	Change	% Change
New Castle				
Elsmere**	1,369	3,356	+ 1,987	+ 145.1%
Newark	8,028	8,610	+ 582	+ 7.2%
New Castle	460	724	+ 264	+ 57.4%
Newport**	4,477	4,645	+ 168	+ 3.8%
Sussex County				
Bethany Beach	1,691	1,928	+ 237	+ 14.0%
Bridgeville	2,340	1,892	– 448	– 19.1%
Delmar	376	285	- 91	- 24.2%
Dewey Beach	***986	1,551	+ 565	+ 57.3%
Fenwick Island	1,365	930	– 435	– 31.9%
Laurel	961	1,323	+ 362	+ 37.7%
Ocean View	143	136	– 7	– 4.9%
Rehoboth Beach	2,405	2,132	- 273	- 11.4%
TOTALS	***24,601	27,512	+ 2,911	+ 11.8%

FISCAL YEAR 1990 — RANKING IN ORDER OF TOTAL CASES FILED

Rank		Total Number of Filings*	Percentage of Total	FY 1989 Rank
1	Newark	9,422	33.3%	1
2	Newport**	4,548	16.1%	2
3	Elsmere	3,422	12.1%	7
4	Bridgeville	2,189	7.7%	4
5	Rehoboth Beach	1,976	7.0%	3
6	Bethany Beach	1,722	6.1%	5
7	Dewey Beach	1,551	5.5%	12
8	Laurel	1,386	4.9%	8
9	Fenwick Island	930	3.3%	6
10	New Castle	722	2.5%	9
11	Delmar	303	1.1%	10
12	Ocean View	136	0.5%	11
TOTALS		28,307	100.0%	

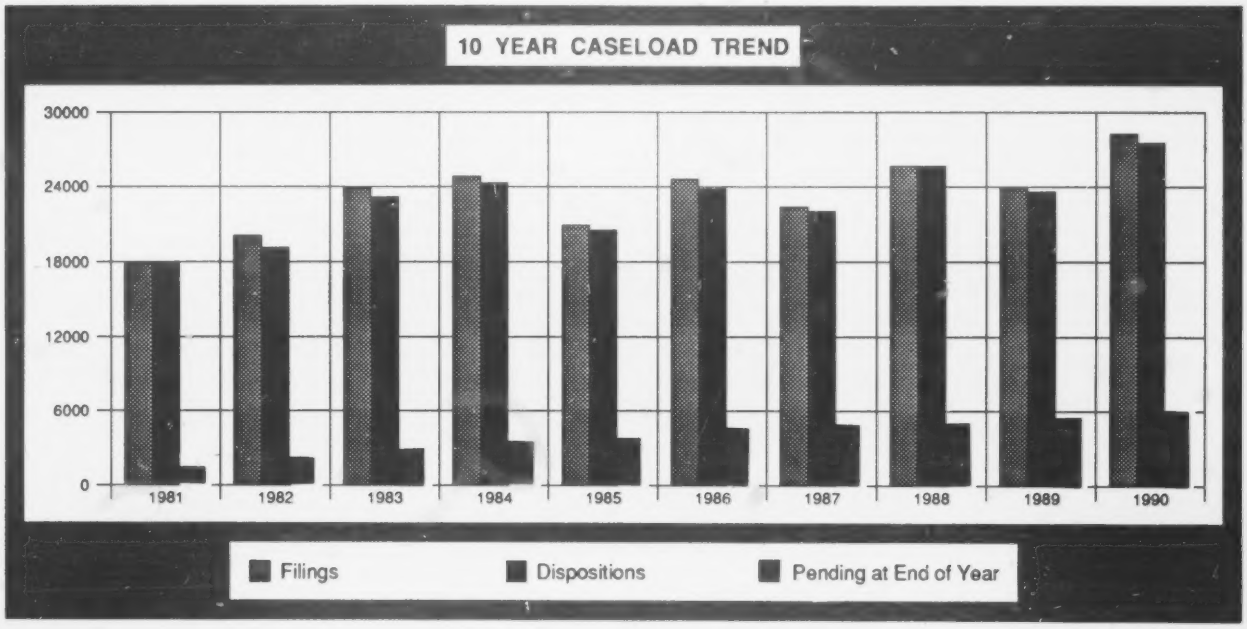
*The unit of count in criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.

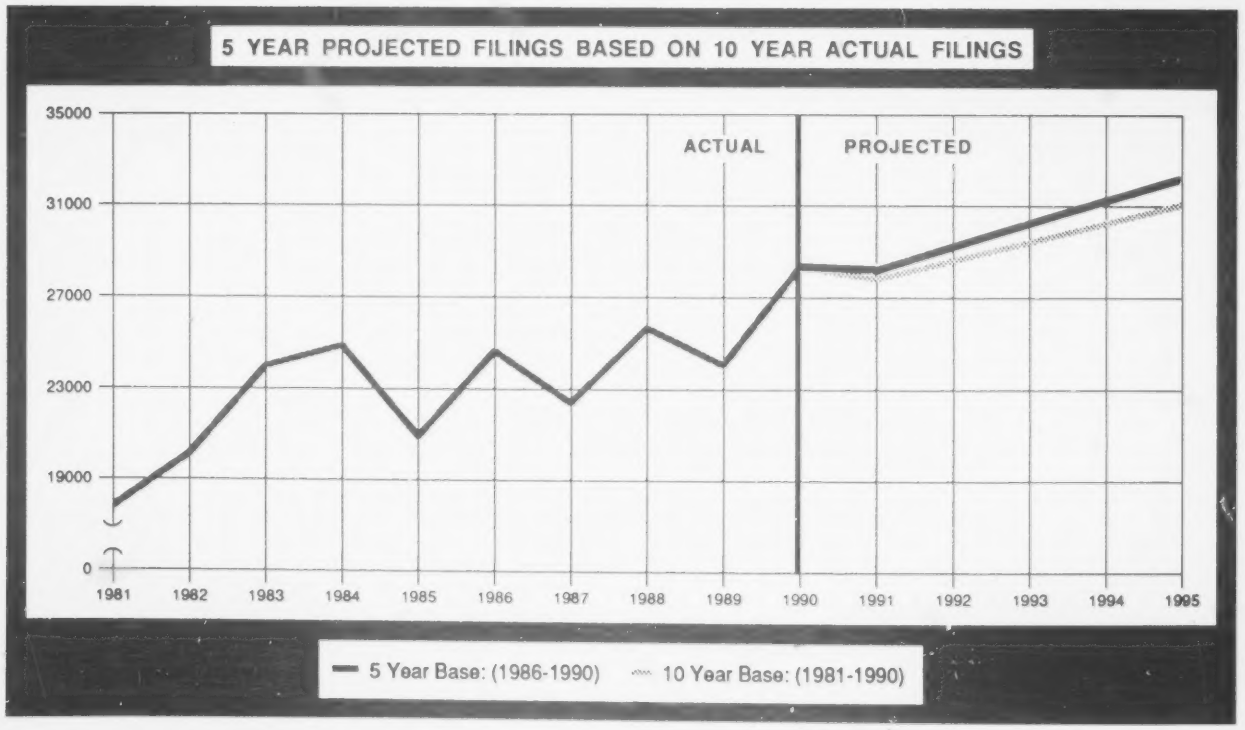
**The Elsmere Court and the Newport Court collect fines for traffic cases and do not actually try the case

***Amended from 1989 Annual Report..

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts — Total





Dispositions not available until FY 1981.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Judicial Agencies and Bodies

Judicial Agencies and Bodies

Administrative Office of the Courts

Legal Authorization

The Administrative Office of the Courts was established by 10 *Delaware Code*, §128.

Duties

The Administrative Office of the Courts assists the Chief Justice of Delaware in carrying out his constitutionally prescribed administrative responsibilities as head of all courts in the State. The Office serves as the central administrative office for coordination and communication concerning all system-wide court administrative activities including the operation and maintenance of the Judicial Information Center. The Office also recommends and implements uniform policies and objectives of the Chief Justice and the Supreme Court and strives to assure compliance therewith. The duties and responsibilities of the Office are steadily increasing and the Office continues to expand the services it provides to the various courts. The Administrative Office is currently involved in a wide variety of activities which include: the development and implementation of a statewide information system including a case and court management component; the management of the Judicial Personnel System which includes four courts and five judicial agencies, the statewide monitoring and coordination of all court fiscal matters which includes the preparation and coordination of the unified judicial budget; the payment of all jurors, witnesses, and court-appointed attorneys; the development and implementation of a uniform accounting system for non-appropriated monies handled by the courts; the preparation and administration of system-wide policies, standards and procedures for the management of the Judicial Records Management Programs; the preparation and publication of the *Annual Report of the Delaware Judiciary;* secretariat and support staff to the Judicial Conference and the Long Range Courts Planning Committee; public information services and liaison with Executive Branch departments and the Legislature.

Personnel

The Director of the Administrative Office of the Courts is appointed by and serves at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware.

The Director may, with the approval of the Chief Justice, appoint such assistants and support personnel as required.

Law Libraries

The standards for the control and supervision of the three Law Libraries are set in 10 *Del. C.* §1941.

There are three Law Libraries located in the State of Delaware, staffed and maintained by state funds and each presided over by a law librarian. The Libraries are named after the counties in which they are situated.

The primary function of the Law Libraries is to provide a legal information center for the Judiciary, Public Defender's Office, legal representatives of counties and municipalities, city solicitors and members of the Delaware Bar. They are also the official depositories for state laws, administrative regulations and court rules. The libraries are made available to registered law students to assist them in preparation for state bar examinations and in their legal education. All three Libraries are designated as official depository libraries by the U.S. Government Printing Office. As state-supported agencies, the Libraries are available to the general public during normal working hours although use of the Kent County Law Library has sometimes been limited to court-related users. Assistance is given to persons wishing to use the facilities whenever possible.

The New Castle County Law Library, located in the Public Building, Wilmington, Delaware, is the busiest of the three Libraries. It houses about 25,000 books and there is presently seated working space for about 32 persons at one time. The recent purchase of a reader-printer which can make positive printouts from both ultrafiche and microfiche records has been a help to the Law Library and its users. The facility is maintained and administered by a law librarian and a library assistant. The Kent County Law Library, due to its location, is designated as the State Library. It houses the largest legal library maintained by the State with about 35,000 volumes and is staffed by one law librarian. The Sussex County Law Library is staffed by one law librarian and houses about 14,000 volumes.

The Law Libraries are responsible for administrative library work as well as maintaining the bookkeeping records required by the State. These duties and responsibilities include but are not limited to the following: insertion of pocket parts, maintenance of loose leaf service bookkeeping for the agency's accounts, preparing invoices for library expenditures, filing and indexing reported and unreported opinions from the several courts, obtaining and filing copies of rules and regulations promulgated by the governmental agencies, maintaining of books and their monetary values, obtaining and filing statutes from the Legislative Council and other states, handling requests from various persons for information contained in the Library, handling special requests for research work from the judges, planning and recommending development and improvement of services, writing reports and performing other duties associated with library work.

Public Guardian

Legal Authorization

The authority for the Office of the Public Guardian is derived from Title 12, §3991, of the *Delaware Code*, which states that:

"There is established the Office of the Public Guardian. The Chancellor shall appoint the Public Guardian, who shall serve at his pleasure."

Geographic Organization

The Office of the Public Guardian has responsibility for the entire State and presents its petitions for guardianships in the Court of Chancery in all three counties.

Legal Jurisdiction

The powers and duties of the Public Guardian are stated in Title 12, §3992, of the *Delaware Code;*

"The Public Guardian, when appointed as guardian by Court order, shall:

1. Serve as a guardian for the property of aged, mentally infirm or physically incapacitated persons, pursuant to §3914 of this title;
2. Serve as a guardian for the person of aged, mentally or physically incapacitated persons where such persons are in danger of substantially endangering their health, or of becoming subject to abuse by other persons or of becoming the victim of designing persons; or
3. Serve as both guardian of the person and of property of such person."

The legislation creating the Office of the Public Guardian creates a guardianship capability for a person needing a guardian but who does not have a relative, friend, or other person interested in and capable of serving as a guardian, whose estate is insufficient to purchase the services of a private guardian or who would best be served by a neutral guardian. This has resulted in the Office of the Public Guardian serving as consultant to agencies, attorneys or families about guardianship matters.

Personnel

The Public Guardian is aided by a Deputy Public Guardian; an administrative officer, one full-time and two part-time caseworkers, and an accounting clerk in providing guardianship services. The Educational Surrogate Parent Coordinator was housed in the Office of the Public Guardian during FY 1990 but does not devote any time to the provision of guardianship services.

Caseload

The Office of the Public Guardian received 144 referrals during FY 1990, 18 of which were deemed to need the services of the Public Guardian as a guardian. It was determined that the remaining 126 referrals during FY 1990 were not in need of guardianship to resolve their problems and were served by utilizing the resources of other state and private agencies.

Referrals of both guardianships and investigations rose during FY 1990 leading to a 38.5% in total referrals from 104 in FY 1989 to 144 in FY 1990. The total number of cases closed increased by 11.7% to 105 in FY 1990 from 94 in FY 1989.

Judicial Information Center — Public Building

FISCAL YEAR 1990 PUBLIC GUARDIAN – CASELOAD BREAKDOWNS

	Pending 6/30/89	New Referrals	Cases Closed	Pending 6/30/90	Change in Pending	% Change in Pending
Guardianships	64	18	17	65	+ 1	+ 1.6%
Investigations	15	126	88	53	+ 38	+ 253.3%
TOTALS	79	144	105	118	+ 39	+ 49.4%

COMPARISON – FISCAL YEARS 1989-1990 PUBLIC GUARDIAN – CASELOAD

NEW REFERRALS

	1989	1990	Change	% Change
Guardianships	11	18	+ 7	+ 63.6%
Investigations	93	126	+ 33	+ 35.5%
TOTALS	104	144	+ 40	+ 38.5%

COMPARISON – FISCAL YEARS 1989-1990 PUBLIC GUARDIAN – CASELOAD

CASES CLOSED

	1989	1990	Change	% Change
Guardianships	7	17	+ 10	+ 142.9%
Investigations	87	88	+ 1	+ 1.1%
TOTALS	94	105	+ 11	+ 11.7%

Source: Office of the Public Guardian, Administrative Office of the Courts

Foster Care Review Board

Legal Authorization

The Foster Care Review Board is authorized by 31 *Del. C.*, C. 38.

Purpose

The mission of the Foster Care Review Board is to provide and administer a volunteer-based citizen Review Board, which acts as an independent monitoring system charged with identification and periodic review of all children in placement throughout the State of Delaware. Periodic reviews of children in out-of-home placement are conducted to ensure that continuing efforts are being made to obtain permanent homes for children; to provide stability in the lives of children who must be removed from their homes; to make the needs of a child for physical, mental, and emotional growth the determining factors in permanency planning; and to ensure that foster care remains a temporary status consistent with a child's sense of time.

Periodic reviews for children in out-of-home placement conducted by independent citizen review committees are assisting the State to comply with federal review requirements. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home programs.

Geographic Organization

The Board is organized into 12 review committees, in order to conduct reviews of children. These 12 review committees meet twice a month at various locations — Wilmington, Dover, Milford and Georgetown.

The administrative office of the Board is located in Wilmington.

Personnel

Approximately 86 citizen volunteers comprised the Foster Care Review Board in Fiscal Year 1990. Board members are appointed by the Governor and serve terms of not more than three years. Not more than a simple majority of the Board may be members of either major political party. The Governor designates one member who serves at his pleasure as Chairman of the Board. The Board has an Executive Director who employs additional support personnel.

Performance

During FY 1990, the Board conducted 1,490 reviews of children in foster care. As of June 1990, the Board's inventory of children in placement identified 675 children. The Board's volunteer based program generates about 10,000 volunteer hours annually.

Violent Crimes Compensation Board

Legal Authorization

The Violent Crimes Compensation Board is authorized by 11 *Delaware Code, Chapter* 90.

Purpose

It is the purpose of the Violent Crimes Compensation Board to "promote the public welfare by establishing a means of meeting the additional hardships imposed upon the innocent victims of certain violent crimes and the family and dependents of those victims". The Board may offer up to $25,000 in compensation to those who are victimized in the State of Delaware. The Board receives a 15% penalty assessment which, by law, is added onto every fine, penalty and forfeiture assessed by the courts. The Fund is also replenished through court ordered restitution and through federal assistance. The 15% has been increased to 18% effective July 2, 1990.

Geographic Organization

The Board is responsible for handling requests for compensation throughout the State of Delaware.

Hearings on these requests may be held anywhere in the State at the convenience of the victim, with the Administrative Office of the Board located in Wilmington.

Personnel

The Violent Crimes Compensation Board consists of five members: a chairwoman, a vice-chairman and three additional Board members. Each member is appointed by the Governor and must be approved by the Senate before serving on the Board. The term of each Board member is three years so long as no more than two Board members have their terms expire at the end of any given year. The Board must be composed of not more than three members of any single political party. The Board may appoint an Executive Secretary and other employees as needed up to a maximum of six at one time. The Board currently employs an executive director, an administrative officer, two claim investigators, one administrative secretary, and one senior secretary.

Caseload Trend

In Fiscal Year 1990, the Board received 358 applications for compensation. During this operational period a total of 331 claims were processed. The Board disbursed $1,142,183 to a total of 183 successful applicants. From FY 1975 through FY 1990, the Board has received 2,646 personal injuries/death benefits claim forms and has awarded approximately $6,354,076. Revenue receipts for FY 1990 include $1,331,713.93 from the 15% penalty assessment, $20,613.09 from court ordered restitution, $14,046.26 from interest paid by the New Castle County Prothonotary's Office and $408.00 from miscellaneous sources for a grand total of $1,380,641.56 at year's end.

Judicial Agencies and Bodies

Judicial Conference

Legal Authorization

The Judicial Conference is authorized by Supreme Court Rule 81.

Duties

The Judicial Conference studies the judicial business of the courts with a view towards improving the administration of justice in the State. The Conference also considers improvements in procedure, considers and recommends legislation, considers and implements the Canons of Judicial Ethics, holds symposia of Bench and Bar and reviews continuing judicial education programs.

Membership

The membership of the Conference includes the judges of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and the Municipal Court of Wilmington as well as the Chief Magistrate of the Justice of the Peace Courts. The Chief Justice is presiding officer of the Conference. The Director of the Administrative Office of the Courts serves as secretary for the Conference. Scheduled meetings of the Conference are held on the first Wednesdays of December and June. Additional meetings may be called by the Chief Justice or by the senior Justice if he is absent.

Long Range Courts Planning Committee

The Long Range Courts Planning Committee was created by Chief Justice Daniel F. Wolcott on December 15, 1970. At that time, Chief Justice Wolcott appointed nine members to the Committee which was composed of seven judges from the various courts and two members of the Bar. The initial charge of the Committee was to consider "long range planning for the needs of the Courts."

Under the leadership of Chief Justice Daniel L. Herrmann, the Committee was reorganized with a broader charge in May, 1977. A formal "Statement of Purpose" was then adopted:

"The Long Range Courts Planning Committee shall be composed of judges, attorneys and court administrators. The purpose of the Committee is to provide an opportunity for the thoughtful formulation and active support of plans and programs for the improvement of the Delaware Court System which will enable it to better perform its task of administering justice in this State, and to undertake such other tasks as may be assigned to it by the Chief Justice. It is expected that this group will initiate new plans and programs, where appropriate, and will support plans and programs initiated by others, or initiated by this group in the past, which to this group appear worthy of such support. The group is intended not only to provide input from the standpoint of thoughtful ideas, but also to provide active and, where necessary, aggressive impetus at all levels of state government where support for the court system is needed and appropriate."

At present, the Committee consists of twenty-eight members, with judicial representation from every court and lawyers statewide. Justice Joseph T. Walsh and Victor F. Battaglia, Esq., serve as Co-Chairmen. The other members are: Justice Andrew G.T. Moore, II, Vice-Chancellor Maurice A. Hartnett, III, Vice-Chancellor Carolyn Berger, President Judge Henry duPont Ridgely, Judge Susan C. DelPesco, Chief Judge Robert D. Thompson, Judge Jay Paul James, Judge Arthur F. DiSabatino, Chief Judge Alfred Fraczkowski, Chief Magistrate William F. Richardson, Attorney General Charles M. Oberly, III, Sidney Balick, Esq., O. Francis Biondi, Esq., Thomas J. Capano, Esq., Edmund N. Carpenter, II, Esq., Howard M. Handleman, Esq., Joseph M. Kwiatkowski, Esq., Roderick R. McKelvie, Esq., Nancy Jane Perillo, Esq., Richard E. Poole, Esq., John F. Schmutz, Esq., Carl Schnee, Esq., Dennis L. Schrader, Esq., W. Laird Stabler, III, Esq., Gerald I. Street, Esq., and Rodman Ward, Esq. Lowell L. Groundland, Director of the Administrative Office of the Courts, serves as Secretary for the Committee.

Working with the cooperation of the executive and legislative branches of government for the betterment of our court system, the accomplishments of the Committee to date have been significant. These include the enlargement of the Supreme Court, additional judges for the Court of Chancery and Superior Court, the provision of adequate court facilities and making the Prothonotaries appointed rather than elected officials. The Committee is currently engaged in a continuing study of the jurisdiction of the component courts of the Delaware judicial system in order to promote efficiency and eliminate congestion. Courthouse security, adequate court facilities and court consolidation remain areas of continuing special concern.

In recognition of the Committee's outstanding contribution to the administration of justice for 20 years, Chief Justice Andrew D. Christie views its role as essential to dealing with all important issues confronting the courts. The Chief Justice desires to keep the Committee actively engaged in its pursuit of measures which will be advantageous for the court system and to the administration of justice in Delaware.

Judicial Agencies and Bodies

Judicial Education Committee

The Delaware Supreme Court adopted the Mandatory Continuing Legal Education Rule for members of the Bar, including judges, effective January 1, 1987. On July 1, 1987, Chief Justice Andrew D. Christie appointed judges from each of the State courts and the Chief Magistrate to serve on the Judicial Education Committee to assist members of the judiciary in meeting that requirement.

In administering the funds provided by the General Assembly, the Committee plans in-state continuing judicial education programs at an annual seminar and also enables judges to travel out of state to pursue educational programs at the National Judicial College or to attend seminars offered by other prominent judicial education organizations. Justice Joseph T. Walsh has served as Chairman of the Judicial Education Committee since its inception. Other members of the Committee are Vice-Chancellor Carolyn Berger, Judge Henry duPont Ridgely, Judge Jay Paul James and Judge William C. Bradley, Jr. Guest lecturers and speakers at each seminar have included distinguished jurists, legal scholars and others having expert knowledge in matters of importance to the judicial function.

Court on the Judiciary

Article IV, Section 37 of the *Constitution of the State of Delaware* created this Court, consisting of the Chief Justice and the Justices of the Supreme Court, the Chancellor of the Court of Chancery, and the President Judge of Superior Court.

Any judicial officer appointed by the Governor may be censured, removed or retired by the Court on the Judiciary for willful misconduct in office, willful and persistent failure to perform duties, commission of an offense involving moral turpitude after appointment or other misconduct in violation of the Canons of Judicial Ethics. A judicial officer may be retired because of permanent mental or physical disability interfering with the proper performance of his duties.

No censure, removal or retirement can be effective until the judicial officer has been served with written charges and has had the opportunity to be heard in accordance with due process of law.

The Court on the Judiciary has the power to:

(a) summon witnesses to appear and testify under oath and to compel production of other evidence, and

(b) adopt rules establishing procedures for the investigation and trial of a judicial officer.

Educational Surrogate Parent Program

Legal Authorization

The Educational Surrogate Parent (ESP) Program is authorized by 14 *Del.C.*§3132.

Purpose

P.L. 94-142, the Federal special education law, requires that each state have a system for providing trained volunteers to represent the interests of special education children in State custody whose parents are not available. The ESP has authority to act on the child's behalf in all decision-making procecces concerning the child's educational placement and services. Enough volunteers must be recruited, trained, and supported to ensure that every eligible child as an ESP.

Geographic Organization

The program is statewide. ESPs are available in all school districts. Each eligible child is matched with an appropriate volunteer in his/her geographical area.

The Coordinator's office is located in Wilmington.

Personnel

In FY 1990, 89 ESPs were appointed or available.ESPs are certified by the Department of Public Instruction and serve as long as they are willing and continue to meet the certification requirements. The program is administered by a Coordinator.

Caseload

During FY 1990, 22 new ESPs were trained, 66 appointments were processed and 102 children were represented by an ESP.

Directory (As of 11/30/90)

SUPREME COURT

General Information: 739-4155

Judiciary
Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Court Administrator
Stephen D. Taylor

Clerk of the Court/Staff Attorney
Margaret L. Naylor, Esquire

COURT OF CHANCERY

General Information: 577-2440

Judiciary
Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Master in Chancery
Richard C. Kiger, Esquire

Registers in Chancery
New Castle County
John D. Kelly, III
Kent County
Loretta L. Wooten
Sussex County
Harvey F. Donovan, Sr

Registers of Wills
New Castle County
Joseph F. Flickinger, III
Kent County
Sandra W. Dean
Sussex County
Ronald B. Waller

SUPERIOR COURT

General Information: 577-2380

Judiciary
President Judge Henry duPont Ridgely
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Resident Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Tolliver, IV
Associate Judge Carl Goldstein

Asbestos Litigation Master
Charles T. Carr

Court Administrator
Thomas J. Ralston

Prothonotaries
New Castle County
Deborah H. Capano
Kent County
Emily G. Morris
Sussex County
Carrol W. Cordrey

FAMILY COURT

General Information: 577-2200

Judiciary
Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge Karl J. Parrish
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman

Masters
D. Thomas Reardon, Chief Master
Mark Buckworth
John R. Carrow
S. Courtney Collier
Gary E. Grubb
Mary Ann Herlihy
Pamela Deeds Holloway
Andrew Horsey, Jr.
Frederick Kenney
Susan Paikin
Patricia Tate Stewert
H. Kemp Vye, III

Court Administrator
James T. Glessner

Directors of Operations
Randall K. Williams
James F. Truitt
Robert F. Stuart

COURT OF COMMON PLEAS

General Information: 577-2430

Judiciary
Chief Judge Robert H. Wahl
Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.

Court Administrator
Carole B. Kirshner

Clerks of the Court
New Castle County
Frederick Kirch
Kent County
Teresa Lindale
Sussex County
Doris Wilkins

MUNICIPAL COURT

General Information: 571-4530

Judiciary
Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams

Clerk of the Court
T. Roger Barton

Directory (As of 11/30/90)

JUSTICE OF THE PEACE COURTS

General Information: 323-4530

Judiciary

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace William L. Boddy
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Deputy Chief Magistrate Ronald E Cheeseman
Justice of the Peace Thomas B. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Wayne R. Hanby
Justice of the Peace William W. Henning, Jr.
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace Barbara C. Hughes
Justice of the Peace Lorin P. Hunt
Justice of the Peace Virginia W. Johnson
Justice of the Peace Vivian K. Kleinman
Justice of the Peace James C. Koehring
Justice of the Peace Bonita N. Lee
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph B. Melson, Jr.
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Almetia J. Murray
Justice of the Peace Barry B. Newstadt
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Deputy Chief Magistrate Thomas J. Orr
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace William S. Rowe
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Justice of the Peace Alice W. Stark
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Justice of the Peace Sheila G. Wilkins
Justice of the Peace William C. Wright

Court Administrator

Thomas W. Nagle

Operations Manager

New Castle County
Ann A. Lewis
Kent/Sussex County
Edward G. Pollard, Jr.

Clerks of the Court

Wanda Abbott (Court 17)
Barbara Adams (Court 3)
Joanne Ash (Court 2)
Leah Betts (Court 5)
Linda Chapman (Court 18)
Ann Marie Ellingsworth (Court 12)
Sheila Fox (Court 16)
Ethel Iacono (Court 11)
Mary Lee Lowe (Court 4)
Clare Lucas (Court 13, Court 14)
Geraldine McLaughlin (Court 15)
Marjorie Nolette (Court 7)
Caroline Pini (Court 10)
Betty Pleasanton (Court 6)
Eunice Ridgeway (Court 19)
Betty Thompson (Court 9)
Linda Parton (Court 8)
Debbie Vickers (Court 1)

ALDERMAN'S COURTS

Chief Alderman Thomas B. Ferry (Newark)
Deputy Chief Alderman Richard A. Barton (Fenwick Island)
Alderman Melanie M. Buchanan (Ocean View)
Mayor Charles Cavanaugh (Elsmere)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Donald F. Godfrey (Delmar)
Alderman Thomas J. Keogh (Dewey Beach)
Mayor John F. Klingmeyer (New Castle)
Alderman Annette Leech (Newport)
Alderman Kathy Lingo (Bridgeville)
Alderman J. Joseph Tansey (Bethany Beach)
Alderman Edward Walmsley, Jr. (Laurel)

ADMINISTRATIVE OFFICE OF THE COURTS

Director

Lowell L. Groundland

Deputy Director

Michael E. McLaughlin

LAW LIBRARIES

Law Librarians

New Castle County
Rene Yucht
Kent County
Denise Purnell
Sussex County
Mary Tylecki Dickson

OFFICE OF THE PUBLIC GUARDIAN

Public Guardian

Barbara F. Blevins

FOSTER CARE REVIEW BOARD

Executive Director

Barbara A. Brown

VIOLENT CRIMES COMPENSATION BOARD

Executive Secretary

Edward Stansky

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